

# Jefferson Davis—Amnesty.

IN THE HOUSE OF REPRESENTATIVES,

Monday, January 10, 1876.

The House having under consideration the bill [H. R. 214] to remove the disabilities imposed by the third section of the fourteenth article of the Amendment of the Constitution of the United States, the pending question being on the motion of Mr. Blaine to reconsider the motion by which the bill was repealed.

## MR. BLAINE:

Mr. SPEAKER, I rise to a privileged question. I move to reconsider the vote which has just been declared. I propose to debate that motion, and now give notice that if the motion to reconsider is agreed to it is my intention to offer the amendment which has been read several times. I will not delay the House to have it read again.

### EVERY TIME THE QUESTION OF AMNESTY

has been brought before the House by a gentleman on that side for the last two Congresses, it has been done with a certain flourish of magnanimity which is an imputation on this side of the House, as though the Republican party which has been in charge of the Government for the last twelve or fourteen years had been bigoted, narrow, and illiberal, and as though certain very worthy and deserving gentlemen in the Southern States were ground down to-day under a great tyranny and oppression, from which the hard-heartedness of this side of the House cannot possibly be prevailed upon to relieve them.

If I may anticipate as much wisdom as ought to characterize that side of the House, this may be the last time that amnesty will be discussed in the American Congress. I therefore desire, and under the rules of the House, with no thanks to that side for the privilege, to place on record just what the Republican party has done in this matter. I wish to place it there as an imperishable record of liberality and large-mindedness, and magnanimity, and mercy far beyond any that has ever been shown before in the world's history by conqueror to conquered.

With the gentleman from Pennsylvania, [Mr. RANDALL,] I entered this Congress in

the midst of the hot flame of war, when the Union was rocking to its foundations, and no man knew whether we were to have a country or not. I think the gentleman from Pennsylvania would have been surprised when he and I were novices in the Thirty-eighth Congress if he could have foreseen before our joint service ended we should have seen sixty-one gentlemen then in arms against us admitted to equal privileges with ourselves, and all by the grace and magnanimity of the Republican party. When the war ended, according to the universal usage of nations, the Government, then under the exclusive control of the Republican party, had the right to determine what should be the political status of the people who had been defeated in war. Did we inaugurate any measures of persecution? Did we set forth on a career of bloodshed and vengeance? Did we take property? Did we prohibit any man all his civil rights? Did we take from him the right he enjoys to-day to vote?

Not at all. But instead of a general and sweeping condemnation the Republican party placed in the fourteenth amendment to the Constitution only this exclusion; after considering the whole subject it ended it simply coming down to this:

That no person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each House, remove such disability.

It has been variously estimated that this section at the time of its original insertion in the Constitution included somewhere from fourteen to thirty thousand persons; as nearly as I can gather together the facts of the case, it included about eighteen thousand men in the South. It let go every man of the hundreds of thousands—or millions if you please—who had been engaged in the attempt to destroy this Government, and only held those under disability who in addition to revolting had violated a special and peculiar and personal oath to support the Constitution of the United States. It was limited to that.

Well, that disability was hardly placed upon the South until we began in this hall and in the other wing of the Capitol, when there were more than two-thirds Republicans in both branches, to remit it, and the very first bill took that disability off from 1,578 citizens of the South; and the next bill took it off from 3,526 gentlemen—by wholesale. Many of the gentlemen on this floor came in for grace and amnesty in those two bills. After these bills specifying individuals had passed, and others, of smaller numbers, which I will not recount, the Congress of the United States in 1872, by two-thirds of both branches, still being two-thirds Republican, passed this general law:

That all political disabilities imposed by the third section of the fourteenth article of amendments of the Constitution of the United States are hereby removed from all persons whomsoever, except Senators and Representatives of the Thirty-sixth and Thirty-seventh Congresses, officers in the judicial, military, and naval service of the United States, heads of departments, and foreign ministers of the United States.

Since that act passed a very considerable number of the gentlemen which it still left under disability have been relieved specially, by name, in separate acts. But I believe, Mr. Speaker, in no single instance since the act of May 22, 1872, have the disabilities been taken from any man except upon his respectful petition to the Congress of the United States that they should be removed. And I believe in no instance, except one, have they been refused upon the petition being presented. I believe in no instance, except one, has there been any other than a unanimous vote.

Now, I find there are widely varying opinions in regard to the number

THAT ARE STILL UNDER DISABILITIES IN THE SOUTH.

I have had occasion, by conference with the Department of War and of the Navy, and with the assistance of some records which I have caused to be searched, to be able to state to the House, I believe with more accuracy than it has been stated hitherto, just the number of gentlemen in the

South still under disabilities. Those who were officers of the United States army, educated at its own expense at West Point and who joined the rebellion, and are still included under this act, number, as nearly as the War Department can figure it up, 325; those in the Navy about 295. Those under the other heads, Senators and Representatives of the Thirty-sixth and Thirty-seventh Congresses, officers in the judiciary service of the United States, heads of departments, and foreign ministers of the United States, make up a number somewhat more difficult to state accurately, but smaller in the aggregate. The whole sum of the entire list is about—it is probably impossible to state it with entire accuracy, and I do not attempt to do that—is about 750 persons now under disabilities.

I am very frank to say that in regard to all these gentlemen, save one, I do not know of any reason why amnesty should not be granted to them as it has been to many others of the same class. I am not here to argue against it. The gentleman from Iowa [Mr. Kasson] suggests "on their application." I am coming to that. But as I have said, seeing in this list, as I have examined it with some care, no gentleman to whom I think there would be any objection, since amnesty has already become so general—and I am not going back of that question to argue it—I am in favor of granting it them. But in the absence of this respectful form of application, which since May 22, 1872, has become a sort of common law as preliminary to amnesty, I simply wish to put in that they shall go before a United States Court, and in open court with uplifted hand, swear that they mean to conduct themselves as good citizens of the United States. That is all.

Now, gentlemen may say that this is a foolish exaction. Possibly it is. But somehow or other I have a prejudice in favor of it. And there are some petty points in it that appeal as well to prejudice as to conviction. For one I do not want to impose citizenship on any gentleman. If I am correctly informed, and I state it only on rumor, there are some gentlemen in this list who have spoken contemptuously of the idea of their taking citizenship, and have spoken still more contemptuously of the idea of their applying for citizenship. I may state it wrongly, and if I do I am willing to be corrected, but I understand that Mr. Robert Toombs has, on several occasions, at watering places both in this country and in Europe, stated that he

WOULD NOT ASK THE UNITED STATES FOR CITIZENSHIP.

Very well, we can stand it about as well as Mr. Robert Toombs can. And if Mr. Robert Toombs is not prepared to go into a court

of the United States and swear that he means to be a good citizen, let him stay out. I do not think that the two Houses of Congress should convert themselves into a joint convention for the purpose of embracing Mr. Robert Toombs and gushingly request him to favor us by coming back to accept of all the honors of citizenship. That is the whole. All I ask is that each of these gentlemen shall show his good faith by coming forward and taking the oath which you on that side of the House and we on this side of the House and all of us take and gladly take. It is a very small exaction to make as a preliminary to full restoration to all the rights of citizenship.

In my amendment, Mr. Speaker, I have excepted Jefferson Davis from its operation. Now I do not place it on the ground that Mr. Davis was, as he has been commonly called, the head and front of the rebellion, because on that ground I do not think the exception would be tenable. Mr. Davis was just as guilty, no more so, no less so, than thousands of others who have already received the benefit and grace of amnesty. Probably he was far less efficient as an enemy of the United States; probably he was far more useful as a disturber of the councils of the Confederacy than many who have already received amnesty. It is not because of any particular and special damage that he above others did to the Union, or because he was personally or especially of consequence, that I except him. But I except him on this ground: that he was the author, knowingly, deliberately, guiltily, and willfully, of the gigantic murders and crimes at Andersonville.

A MEMBER. And Libby.

Mr. BLAINE. Libby pales into insignificance before Andersonville. I place it on that ground, and I believe to-day, that so rapidly does one event follow on the heels of another in the rapid age in which we live, that even those of us who were contemporaneous with what was transpiring there, and still less those who have grown up since, fail to remember the gigantic crime then committed.

Sir, since the gentleman from Pennsylvania [Mr. RANDALL] introduced this bill last month, I have taken occasion to reread some of the

#### HISTORIC CRUELITIES OF THE WORLD.

I have read over the details of those atrocious murders of the Duke of Alva in the Low Countries which are always mentioned with a thrill of horror throughout Christendom. I have read the details of the massacre of Saint Bartholomew, that stand out in history as one of those atrocities beyond imagination. I have read anew the horrors untold and unimaginable of the Spanish In-

quisition. And I here before God, measuring my words, knowing their full extent and import, declare that neither the deeds of the Duke of Alva in the Low Countries, nor the massacre of Saint Bartholomew, nor the thumb-screws and engines of torture of the Spanish Inquisition begin to compare in atrocity with the hideous crime of Andersonville. [Applause on the floor and in the galleries.]

Mr. ROBBINS, of North Carolina. That is an infamous slander.

The SPEAKER. If such demonstrations are repeated in the galleries the Chair will order them to be cleared.

Mr. BLAINE. Thank God, Mr. Speaker, that while this Congress was under different control from that which exists here to-day, with a Committee composed of both sides and of both branches, that tale of horror was placed where it cannot be denied or gainsaid.

I hold in my hand the story written out by a committee of Congress. I state that Winder, who is dead, was sent to Andersonville with a full knowledge of his previous atrocities; that these atrocities in Richmond were so fearful, so terrible, that Confederate papers, the *Richmond Examiner* for one, stated when he was gone that, "Thank God, Richmond is rid of his presence." We in the North knew from returning skeletons what he had accomplished at Belle Isle and Libby, and fresh from those accomplishments he was sent by Mr. Davis, against the protests of others in the Confederacy, to construct this den of horrors at Andersonville.

Now, of course it would be utterly beyond the scope of the occasion and beyond the limits of my hour for me to go into details. But in arraigning Mr. Davis I undertake here to say that I will not ask any gentleman to take the testimony of a single Union soldier. I ask them to take only the testimony of men who themselves were engaged and enlisted in the Confederate cause. And if that testimony does not entirely carry out and justify the declaration I have made, then I will state that I have been entirely in error in my reading.

After detailing the preparation of that prison, the arrangements made with hideous cruelty for the victims, the report which I hold in my hand, and which was concurred in by Democratic members as well as Republican members of Congress, states this—and I beg members to hear it, for it is far more impressive than anything I can say. After, I say, giving full details, the report states:

The subsequent history of Andersonville has startled and shocked the world with

A TALE OF HORROR, OF WOE, AND DEATH before unheard and unknown to civilization. No pen can describe, no painter sketch, no imagination comprehend its fearful and un-

atferable iniquity. It would seem as if the concentrated madness of earth and hell had found its final lodgment in the breast of those who inaugurated the rebellion and controlled the policy of the Confederate government, and that the prison at Andersonville had been selected for the most terrible human sacrifice which the world has ever seen. Into its narrow walls were crowded thirty-five thousand enlisted men, many of them the bravest and best, the most devoted and heroic of those grand armies which carried the flag of their country to final victory. For long and weary months here they suffered, maddened, were murdered, and died. Here they lingered, unsheltered from the burning rays of a tropical sun by day, and drenching and deadly dews by night, in every stage of mental and physical disease, hungered, emaciated, starving, maddened; festering with unhealed wounds; gnawed by the ravages of scurvy and gangrene; with swollen limb and distorted visage; covered with vermin which they had no power to extirpate; exposed to the flooding rains which drove them drowning from the miserable holes in which, like swine, they burrowed; parched with thirst and mad with hunger; racked with pain or prostrated with the weakness of dissolution; with naked limbs and matted hair; filthy with smoke and mud; soiled with the very excrement from which their weakness would not permit them to escape; eaten by the gnawing worms which their own wounds had engendered; with no bed but the earth; no covering save the cloud or the sky; these men, these heroes, born in the image of God, thus crouching and writhing in their terrible torture and calculating barbarity, stand forth in history as a monument of the surpassing horrors of Andersonville as it shall be seen and read in all future time, realizing in the studied torments of their prison-house the ideal of Dante's inferno and Milton's Hell.

I undertake to say, from reading the testimony, that that is a moderate description. I will read but a single paragraph from the testimony of Rev. William John Hamilton, a man I believe who never was in the North, a Catholic priest at Macon. He is a Southern man and a Democrat and a Catholic priest. And when you unite those three qualities in one man you will not find much testimony that would be strained in favor of the Republican party. [Laughter.]

This man had gone to Andersonville on a mission of mercy to the men of his own faith, to administer to them the rights of his church in their last moments. That is why he happened to be a witness. I will read his answer under oath to a question addressed to him in regard to the bodily condition of the prisoners. He said:

Well, as I said before, when I went there I was kept so busily engaged in giving the sacrament to the dying men that I could not observe much; but of course I could not keep my eyes closed as to what I saw there.

I SAW A GREAT MANY MEN PERFECTLY NAKED.

Their clothes had been taken from them, as other testimony shows—walking about the stockade perfectly nude; they seemed to have lost all regard for delicacy, shame, morality, or anything else. I would frequently have to creep on my hands and knees into the holes that the men had burrowed in the ground, and stretch myself out alongside of them to hear their confessions. I found them almost living in vermin in those

holes; they could not be in any other condition but a filthy one, because they got no soap and no change of clothing, and were there all huddled up together.

Let me read further from the same witness another specimen:

The first person I conversed with on entering the stockade was a countryman of mine, a member of the Catholic church, who recognized me as a clergyman. I think his name was Farrell. He was from the north of Ireland. He came toward me and introduced himself. He was quite a boy; I do not think, judging from his appearance, that he could have been more than sixteen years old. I found him without a hat and without any covering on his feet, and without jacket or coat. He told me that his shoes had been taken from him on the battle-field. I found the boy suffering very much from a wound on his right foot; in fact the foot was split open like an oyster; and on inquiring the cause they told me it was from exposure to the sun in the stockade, and not from any wound received in battle. I took off my boots and gave him a pair of socks to cover his feet and told him I would bring him some clothing, as I expected to return to Andersonville the following week. I had to return to Macon to get another priest to take my place on Sunday. When I returned on the following week, on inquiring for this man Farrell, his companions told me he had stepped across the dead-line and requested the guards to shoot him. He was not insane at the time I was conversing with him.

Now, Mr. Speaker, I do not desire to go into such horrible details as these for any purpose of arousing bad feeling. I wish only to say that the man who administered the affairs of that prison went there by order of Mr. Davis, was sustained by him; and this William John Hamilton, from whose testimony I have read, states here that he went to General Howell Cobb, commanding that department, and asked that intelligence as to the condition of affairs there be transmitted to the Confederate government at Richmond. For the matter of that, there are a great many proofs to show that Mr. Davis was thoroughly informed as to the condition of affairs at Andersonville.

One word more and I shall lay aside this book. When the march of General Sherman, or some other invasion of that portion of the country, was under way, there was danger, or supposed danger, that it might come into the neighborhood of Andersonville; and the following order—to which I invite the attention of the House—a regular military order—order No. 13, dated, headquarters Confederate States military prison, Andersonville, July 27, 1864, was issued by Brigadier-General John H. Winder:

The officers on duty and in charge of the battery of Florida artillery at the time will, upon receiving notice that the enemy have approached within seven miles of this post, OPEN FIRE UPON THE STOCKADE WITH GRAPE-SHOT without reference to the situation beyond these lines of defense.

Now, here were these 35,000 poor, helpless, naked, starving, sickened, dying men

This Catholic priest states that he begged Mr. Cobb to represent that if they could not exchange those men, or could not relieve them in any other way, they should be taken to the Union lines in Florida and paroled; for they were shadows, they were skeletons. Yet it was declared by a regular order of Mr. Davis' officer that if the Union forces should come within seven miles the battery of Florida artillery should open fire with grape-shot on these poor, helpless men, without the slightest possible regard to what was going on outside.

Now I do not arraign the Southern people for this. God forbid that, I should charge any people with sympathizing with such things. There were many evidences of great uneasiness among the Southern people about it; and one of the great crimes of Jefferson Davis was that besides conniving at and producing that condition of things, he concealed it from the Southern people. He labored not only to conceal it, but to make false statements about it. We have obtained, and have now in the Congressional Library, a complete series of Mr. Davis' messages—the official imprint from Richmond. I have looked over them, and I have here an extract from his message of November 7, 1864, at the very time that these horrors were at their acme. Mark you, when those horrors of which I have read specimens were at their extremest verge of desperation, Mr. Davis sends a

MESSAGE TO THE CONFEDERATE CONGRESS

at Richmond, in which he says:

The solicitude of the Government for the relief of our captive fellow-citizens has known no abatement, but has on the contrary been still more deeply evoked by the additional sufferings to which they have been wantonly subjected by deprivation of adequate food, clothing, and fuel, which they were not even permitted to purchase from the prison sutler.

And he adds that the—

Enemy attempted to excuse their barbarous treatment by the unfounded allegation that it was retaliatory for like conduct on our part.

Now I undertake here to say that there is not a Confederate soldier now living who has any credit as a man in his community, and who ever was a prisoner in the hands of the Union forces, who will say that he ever was cruelly treated; that he ever was deprived of the same rations that the Union soldiers had—the same food and the same clothing.

Mr. COOK. Thousands of them say it—thousands of them; men of as high character as any in this House.

Mr. BLAINE. I take issue upon that. There is not one who can substantiate it—not one. As for measures of retaliation, although goaded by this terrific treatment of our friends imprisoned by Mr. Davis, the Senate of the United States specifically refused to

pass a resolution of retaliation, as contrary to modern civilization and the first precepts of Christianity. And there was no retaliation attempted or justified. It was refused; and Mr. Davis knew it was refused just as well as I knew it or any other man, because what took place in Washington or what took place in Richmond was known on either side of the line within a day or two thereafter.

Mr. Speaker, this is

NOT A PROPOSITION TO PUNISH JEFFERSON DAVIS.

There is nobody attempting that. I will very frankly say that I myself thought the indictment of Mr. Davis at Richmond, under the administration of Mr. Johnson, was a weak attempt, for he was indicted only for that of which he was guilty in common with all others who went into the Confederate movement. Therefore, there was no particular reason for it. But I will undertake to say this, and, as it may be considered an extreme speech, I want to say it with great deliberation, that there is not a government, a civilized government, on the face of the globe—I am very sure there is not a European government—that would not have arrested Mr. Davis, and when they had him in their power would not have tried him for maltreatment of the prisoners of war and shot him within thirty days. France, Russia, England, Germany, Austria, any one of them would have done it. The poor victim Wirz deserved his death for brutal treatment, and murder of many victims, but I always thought it was a weak movement on the part of our Government to allow Jefferson Davis to go at large and hang Wirz. I confess I do. Wirz was nothing in the world but a mere subordinate, a tool, and there was no special reason for singling him out for death. I do not say he did not deserve it—he did richly, amply, fully. He deserved no mercy, but at the same time, as I have often said, it seemed like skipping over the president, superintendent, and board of directors in the case of a great railroad accident and hanging the brakeman of the rear car. [Laughter.]

There is no proposition here to punish Jefferson Davis. Nobody is seeking to do it. That time has gone by. The statute of limitations, common feelings of humanity, will supervene for his benefit. But what you ask us to do is to declare by a vote of two-thirds of both branches of Congress that we consider Mr. Davis worthy to fill the highest offices in the United States if he can get a constituency to indorse him. He is a voter; he can buy and he can sell; he can go and he can come. He is as free as any man in the United States. There is a large list of subordinate offices to which he is eligible. This bill proposes, in view of that record, that Mr. Davis, by a two-thirds vote of the Senate and a two-thirds vote of the House, be

declared eligible and worthy to fill any office up to the Presidency of the United States. For one, upon full deliberation, I will not do it.

One word more, Mr. Speaker, in the way of detail, which I omitted. It has often been said in mitigation of Jefferson Davis in the Andersonville matter that the men who died there in such large number (I think the victims were about fifteen thousand) fell prey to an epidemic, and died of a disease which could not be averted. The record shows THAT OUT OF 35,000 MEN ABOUT 33 PER CENT.

DIED,

that is, one in three, while of the soldiers encamped near by to take care and guard them only one man in four hundred died; that is, within half a mile only one in four hundred died.

As to the general question of amnesty, Mr. Speaker, as I have already said, it is too late to debate it. It has gone by. Whether it has in all respects been wise, or whether it has been unwise, I would not detain the House here to discuss. Even if I had a strong conviction upon that question, I do not know that it would be productive of any great good to enunciate it; but, at the same time, it is a very singular spectacle that the Republican party, in possession of the entire Government, have deliberately called back into political power the leading men of the South, every one of whom turns up its bitter and relentless and malignant foe; and to-day,

from the Potomac to the Rio Grande, the very men who have received this amnesty are as busy as they can be in consolidating into one compact political organization

THE OLD SLAVE STATES,

just as they were before the war. We see the banner held out blazoned again with the inscription that with the united South and a very few votes from the North this country can be governed. I want the people to understand that is precisely the movement; that that is the animus and the intent. I do not think offering amnesty to the seven hundred and fifty men who are now without it will hasten or retard that movement. I do not think the granting of amnesty to Mr. Davis will hasten or retard it, or that refusing it will do either.

I hear it said, "We will lift Mr. Davis again into great consequence by refusing amnesty." That is not for me to consider; I only see before me, when his name is presented, a man who by the wink of his eye, by a wave of his hand, by a nod of his head, COULD HAVE STOPPED THE ATROCITY AT ANDERSONVILLE.

Some of us had kinsmen there, most of us had friends there, all of us had countrymen there, and in the name of those kinsmen, friends, and countrymen I here protest, and shall with my vote protest, against their calling back and crowning with the honors of full American citizenship the man who organized that murder.

## SPEECH OF HON. BENJAMIN H. HILL, OF GEORGIA,

In the House of Representatives, Tuesday, January 11, 1876.

Mr. HILL said:

I advance directly to that portion of the gentleman's argument which relates to the question before the House. The gentleman from Pennsylvania [Mr. RANDALL] has presented to this House, and he asks it to adopt, a bill on the subject of amnesty which is precisely the same as the bill passed in this House by the gentleman's own party, as I understand it, at the last session of Congress. The gentleman from Maine has moved a reconsideration of the vote by which it was rejected, avowing his purpose to be to offer an amendment. The main purpose of that amendment is to except from the cooperation of the bill one of the citizens of this country, Mr. Jefferson Davis.

He alleges two distinct reasons why he asks the House to make that exception. I will state those reasons in the gentleman's own language. First, he says, "Mr. Davis was the author, knowingly, deliberately, guiltily, and willfully, of the gigantic murder and crime at Andersonville." That is a grave indictment. He then characterizes in his second position what he calls the horrors of Andersonville.

Sir, he stands before the country with his very fame in peril if he, having made such charges, shall not sustain them. Now I take

up the propositions of the gentleman in their order. I hope no gentleman imagines that I am here to pass in eulogy upon Mr. Davis. But the charge is that he is a murderer, and a deliberate, willful, guilty, scheming murderer of "thousands of our fellow citizens." Why, sir, knowing the character of the honorable gentleman from Maine, his high reputation, when I heard the charge fall from his lips I thought surely the gentleman had made a recent discovery, and I listened for the evidence to justify that charge. He produced it; and what was it? To my utter amazement, as the gentleman from Pennsylvania (Mr. KELLEY) has well stated it is nothing on earth but a report of a committee of this Congress, made when passions were at their height, and it was known to the gentleman and to the whole country eight years ago.

Now, I say first, in relation to that testimony, that it is exclusively *ex parte*. It was taken when the gentleman who is now put upon trial by it before the country was imprisoned and in chains, without a hearing and without an opportunity to be heard. It was taken by enemies. It was taken in the midst of fury and rage. If there is anything in Anglo-Saxon law which ought to be considered sacred, it is the high privilege of an Englishman not to be condemned until he shall be confronted with the witnesses against him. But that is not all,



The testimony produced by the gentleman is not only *ex parte*, not only exclusively the production of enemies, or at least taken by them, and in the midst of passion, but the testimony is mutilated, ingeniously mutilated, palpably mutilated, most adroitly mutilated. Why, sir, one of the main witnesses is Dr. Joseph Jones, a very excellent gentleman, who was called upon to give his testimony in what is called the Wirz trial, and which is produced before this House, and attention called to it by the gentleman.

One of the most striking and remarkable pieces of evidence in this whole report is found in the report made by Dr. Jones, \* \* sent to Andersonville by the Confederate authorities to investigate the condition of that prison. \* \* The first point is as to the knowledge of this report going to any of the authorities at Richmond. Here is what Dr. Jones says:

"I had just completed the report, which I placed in the hands of the judge advocate, under orders from the Government, when the Confederacy went to pieces. That report never was delivered to the surgeon general, and I was unaware that any one knew of its existence until I received orders from the United States Government to bring it and deliver it to this court in testimony."

And when the report itself, or that which purported to be the report, was presented to him while he was a witness he discovered that it was mutilated and he asked permission to state that fact. Hear what he says on that subject:

"I beg leave to make a statement to the court. That portion of my report which has been read is only a small part of the report. The real report contains the excuses which were given by the officers present at Andersonville, which I thought it right to embody with my report. It also contains documents forwarded to Richmond by Dr. White and Dr. Stevenson, and others in charge of the hospitals. Those documents contained important facts as to the labors of the medical department and their efforts to better the condition of things."

The committee asked him:

Question. "Are your conclusions correctly stated in this extract?"

Answer. "Part of my conclusions are stated—not the whole. A portion of my conclusions, and also my recommendations, are not stated."

Q. "Well, touching the subject of exchange?"

A. "Yes, sir, the general difficulties environing the prisoners and their officers."

Q. "What became of your original report?"

A. "This is my original report."

That is, he had there the extract as far as it went.

Q. "Did you make this extract yourself?"

The committee seem to suspect that he was the man that simply made the extract and brought it before the committee. Now, here is his answer:

"I did not. My original report is in the hands of the judge advocate. I delivered it into his hands immediately upon my arrival in Washington."

And this committee of Congress to which the gentleman refers absolutely tells us that this mutilated report was the one introduced in evidence against this man Wirz, and it is the one incorporated in this book.

Now I want to call attention to another extract from that original report—a part not included in this book. There are a great many such omissions; I have not been able to get all of them.

Dr. Jones, in his report, is giving an account

of the causes of the sickness and mortality at Andersonville; and he says, among other things:

"Surrounded by these depressing agents, the postponement of the general exchange of prisoners, and the constantly receding hopes of deliverance through the action of their own Government depressed their already desponding spirits, and destroyed those mental and moral energies so necessary for a successful struggle against disease and its agents. Home-sickness and disappointment, mental depression and distress, attending the daily longing for an apparently hopeless release, are felt to be as potent agencies in the destruction of these prisoners as the physical causes of actual disease."

Now, sir, there is another fact. Wirz was put on trial, but really Mr. Davis was the man intended to be tried through him. Over one hundred and sixty witnesses were introduced before the Military Commission. The trial lasted three months. The whole country was under military despotism; citizens labored under duress; and quite a large number of Confederates were seeking to make favor with the powers of the Government. Yet, sir, during these three months, with all the witnesses they could bring to Washington, not one single man ever mentioned the name of Mr. Davis in connection with a single atrocity at Andersonville or elsewhere.

Now, sir, there is a witness on this subject. Wirz was condemned, found guilty, sentenced to be executed; and I have now before me the written statement of his counsel, a Northern man and a Union man. He gave this statement to the country, and it has never been contradicted.

Hear what this gentleman says:

"On the night before the execution of the prisoner Wirz a telegram was sent to the Northern press from this city, stating that Wirz had made important disclosures to General L. C. Baker, the well-known detective, implicating Jefferson Davis, and that the confession would probably be given to the public. On the same evening some parties came to the confessor of Wirz, Rev. Father Boyle, and also to me as his counsel, one of them informing me that a high Cabinet officer wished to assure Wirz that if he would implicate Jefferson Davis with the atrocities committed at Andersonville his sentence would be commuted. The messenger requested me to inform Wirz of this. In presence of Father Boyle I told Wirz next morning what had happened."

Hear the reply:

"Captain Wirz simply and quietly replied, Mr. Schade, you know that I have always told you that I do not know anything about Jefferson Davis. He had no connection with me as to what was done at Andersonville. I would not become a traitor against him or anybody else even to save my life!"

Sir, what Wirz, within two hours of his execution would not say for his life the gentleman from Maine says to the country to keep himself and his party in power. \* \* \*

He who makes a charge must produce his witnesses. They must be informed witnesses. They must be creditable witnesses. The gentleman from Maine makes his charge, but produces no witnesses. He says that men sent by Jefferson Davis to Andersonville were his officers, executing his orders, commissioned by him, and he therefore charges Mr. Davis with these atrocities by inference.

Now, Mr. Speaker, I pass from the construction of that question to the real facts about Andersonville. First, I want to call the attention of the House to the law of the Confederate Government on the subject of the treatment of prisoners. I read from the ac-

of the Confederate Congress on that subject; it was very simple, and directed: "The rations furnished prisoners of war shall be the same in quantity and quality as those furnished to enlisted men in the army of the Confederacy."

That was the law; that was the law Mr. Davis approved, and that was the law that he, so far as his agency was concerned, executed.

The gentleman in his speech has gone so far as to say that Mr. Davis purposely sent General Winder to Andersonville to organize a den of horrors and kill Federal soldiers. I do not quote exactly his language, but I know it is "to organize a den of horrors;" but I am sure I cannot use any language more bitter than the gentleman used himself. Therefore the next thing I will read is the order given for the purpose of locating this prison at Andersonville, or wherever it should be properly located. The official order for the location of the stockade enjoins that it should be in a "healthy locality, with a plenty of pure water, with a running stream, and, if possible, with shade trees, and in the immediate neighborhood of grist and saw mills." That does not look like the organization of a den of horrors to commit murder. That was the official order. That was not all. These prisoners at Andersonville were not only allowed the rations measured out to Confederate soldiers, both in quantity and quality in every respect, but they were allowed also to buy as much outside as they desired; a privilege, I am reliably informed, which was not extended to many of the Confederate prisoners. I do not know how that is.

\* \* \* \* \*

The Confederate Government gave Federal prisoners the same rations that Confederate soldiers in the field received. Federal prisoners had permission to buy whatever else they pleased, and the Confederates gave their friends at home permission to furnish them the means to do so. And yet, Mr. Speaker, it is true that, in spite of all these advantages enjoyed by these prisoners there were horrors, and great horrors, at Andersonville. What were the causes of those horrors? The first was want of medicine. \* \* \*

Now, how was it that medicines and other essential supplies could not be obtained? Unfortunately they were not in the Confederacy. The Federal Government made medicine contraband of war.

The Federal Government made clothing contraband of war. It sent down its armies and they burned up the factories of the South wherever they could find them, for the express purpose of preventing the Confederates from furnishing clothes to their soldiers, and the Federal prisoners of course shared this deprivation of comfortable clothing. It was the war policy of the Federal Government to make supplies scarce. \* \* \*

Now, then, sir, whatever horrors existed at Andersonville, not one of them could be attributed to a single act of legislation of the Confederate Government, or to a single order of the Confederate Government, but every horror of Andersonville grew out of the necessities of the occasion, which necessities were cast upon the Confederacy by the war policy of the other side. The gentleman from Maine said that no Confederate prisoner was ever maltreated in the North. And when my friend answered from his seat "a thousand witnesses to the contrary in Georgia alone," the gentleman from Maine joined issue, but as usual produced no testimony in support of his issue. I think the gentleman from Maine is to be excused. For ten years unfortunately he and his have been reviling the people who were not allowed to come here to meet the reviling. Now, sir, we are face to face, and when you make a charge you must bring your proof. The time has passed when the country can ac-

cept the impudence of assertion for the force of argument, or recklessness of statement for the truth of history.

Now, sir, I do not wish to unfold the chapter on the other side. I am an American. I honor my country, and my whole country, and it could be no pleasure to me to bring forward proof that any portion of my countrymen have been guilty of wilful murder or of cruel treatment to poor manacled prisoners. Nor will I make any such charge. These horrors are inseparable, many of them and most of them, from a state of war. I hold in my hand a letter written by one who was a surgeon at the prison at Elmira, and he says:

"The winter of 1864, 1865, was an unusually severe and rigid one, and the prisoners arriving from the Southern States during this season were mostly old men and lads, clothed in attire suitable only to the genial climate of the South. I need not state to you that this alone was ample cause of an unusual mortality among them. The surroundings were of the following nature, namely: narrow, confined limits, but a few acres in extent"—

And Andersonville, sir, embraced twenty-seven acres—

"and through which slowly flowed a turbid stream of water, carrying along with it all the excremental filth and debris of the camp; this stream of water, horrible to relate, was the only source of supply, for an extended period, that the prisoners could possibly use for the purpose of ablution and to slake their thirst from day to day; the tents and other shelter allotted to the camp at Elmira were insufficient and crowded to the utmost extent; hence small-pox and other skin diseases raged through the camp.

"Here I may note that, owing to a general order from the Government to vaccinate the prisoners, my opportunities were ample to observe the effects of spurious and diseased matter, and there is no doubt in my mind but that syphilis was ingrafted in many instances, ugly and horrid ulcers and eruptions of a characteristic nature were, alas! too frequent and obvious to be mistaken. Small-pox cases were crowded in such a manner that it was a matter of impossibility for the surgeon to treat his patient individually; they actually laid so adjacent that the simple movement of one would cause his neighbor to cry out in an agony of pain. The confluent and malignant type prevailed to such an extent and of such a nature that the body would frequently be found one continuous scab.

"The diet and other allowances by the Government for the use of the prisoners were ample, yet the poor unfortunates were allowed to starve."

Now, sir, the Confederate regulations authorized ample provision for Federal prisoners; the same that was made for Confederate soldiers, and you charge that Mr. Davis is responsible for not having those allowances honestly supplied. The United States made provision for Confederate prisoners, so far as rations were concerned, for feeding those in Federal hands; and yet what says the surgeon? "They were allowed to starve."

"But 'why?' is a query which I will allow your readers to infer and to draw conclusions therefrom. Out of the number of prisoners, as before mentioned, over three thousand of them now lay buried in the cemetery located near the camp for that purpose—a mortality equal if not greater than that of any prison in the South. At Andersonville, as I am well informed by brother officers who endured confinement there, as well as by the records at Washington, the mortality was twelve thousand out of, say, forty thousand prisoners. Hence it is readily to be seen that the range of mortality was no less at Elmira than at Andersonville."



Mr. PLATT. Will the gentleman allow me to interrupt him a moment to ask him where he gets that statement?

Mr. HILL. It is the statement of a Federal surgeon published in the *New York World*.

Mr. PLATT. I desire to say that I live within thirty-six miles of Elmira, and that those statements are unqualifiedly false.

Mr. HILL. Yes, and I suppose if one rose from the dead the gentleman would not believe him.

Mr. PLATT. Does the gentleman say that those statements are true?

Mr. HILL. Certainly I do not say that they are true, but I do say that I believe the statement of the surgeon in charge before that of a politician thirty-six miles away. \* \* \*

Now I call the attention of gentlemen to this fact, that the report of Mr. Stanton, the Secretary of War—you will believe him, will you not?—on the 19th of July, 1866—send to the Library and get it—exhibits the fact that of the Federal prisoners in Confederate hands during the war only 22,576 died, while of the Confederate prisoners in Federal hands 28,436 died. And Surgeon-General Barnes reports, in an official report—I suppose you will believe him—that, in round numbers, the Confederate prisoners in Federal hands amounted to 220,000, while the Federal prisoners in Confederate hands amounted to 270,000. Out of the 270,000 in Confederate hands 22,000 died, while of the 220,000 Confederates in Federal hands over 28,000 died. The ratio is this: More than 12 per cent. of the Confederates in Federal hands died, and less than 9 per cent. of the Federals in Confederate hands died. What is the logic of these facts according to the gentleman from Maine? I scorn to charge murder upon the officials of northern prisons, as the gentleman has done upon Confederate prison officials. I labor to demonstrate that such miseries are inevitable in prison life, no matter how humane the regulations.

\* \* \* \* \*

But the great question is behind. Every American, North or South, must lament that our country has ever impeached its civilization by such an exhibition of horrors on any side, and I speak of these things with no degree of pleasure. God knows if I could hide them from the view of the world I would gladly do it. But the great question is, at last, who was responsible for this state of things? And that is really the only material question with which statesmen now should deal. Sir, it is well known that when the war opened, at first the authorities of the United States determined that they would not exchange prisoners. The first prisoners captured by the Federal forces were the crew of the *Savannah*, and they were put in chains and sentenced to be executed. Jefferson Davis hearing of this, communicated through the lines, and the Confederates having meanwhile also captured prisoners, he threatened retaliation in case those men suffered, and the sentences against the crew of the *Savannah* were not executed. Subsequently our friends from this way, \* \* \* insisted that there should be a cartel for the exchange of prisoners. In 1862 that cartel was agreed upon. In substance and briefly it was that there should be an exchange of man for man and officer for officer, and whichever held an excess at the time of exchange should parole the excess. This worked very well until 1863.

\* \* \* \* \*

In 1863 this cartel was interrupted; the Federal authorities refused to continue the exchange. \* \* \* This I say frankly to the gentlemen on the other side, was in truth one of the severest blows stricken at the Confederacy, this refusal to exchange prisoners in 1863 and continued through 1864. The Confederates made every effort to renew the

cartel. Among other things, on the 2d of July, 1863, the Vice-President of the Confederacy, the gentleman to whom the gentleman from Maine, (Mr. BLAINE,) alluded the other day in so complimentary terms, Mr. Alexander H. Stephens, was absolutely commissioned by President Davis to cross the lines and come to Washington to consult with the Federal authorities, with a broad commission to agree upon any cartel satisfactory to the other side for the exchange of prisoners. Mr. Davis said to him, "Your mission is simply one of humanity, and has no political aspect." Mr. Stephens undertook that work. What was the result? I wish to be careful, and I will state this exactly correctly. Here is his letter:

CONFEDERATE STATES STEAMER TORPEDO.

In James River, July 4, 1863.

SIR: As military commissioner, I am the bearer of a communication in writing from Jefferson Davis, Commander-in-Chief of the land and naval forces of the Confederate States, to Abraham Lincoln, Commander-in-Chief of the land and naval forces of the United States. Hon. Robert Ould, Confederate States agent of exchange, accompanies me as secretary, for the purpose of delivering the communication in person and conferring upon the subject to which it relates. I desire to proceed to Washington in the steamer *Torpedo*, commanded by Lieutenant Hunter Davidson, of the Confederate States navy, no person being on board but Hon. Mr. Ould, myself, and the boat's officers and crew.

Yours, most respectfully,  
ALEX. H. STEPHENS.

To S. H. LEE, Admiral.

This was directed to S. H. Lee, admiral. Here is the answer:  
Acting Rear-Admiral S. H. LEE, *Hampton Roads*.  
The request of Alexander H. Stephens is inadmissible. \* \* \*

GIDEON WELLES,  
Secretary of Navy.

You will acknowledge that Mr. Stephens' humane mission failed. The Confederate authorities gave to that mission as much dignity and character as possible. \* \* \* The Federal Government would not even receive him; the Federal authorities would not even hear him.

What was the next effort? After Mr. Stephens' mission failed, and after the commissioner for the exchange of prisoners, Colonel Ould, having exhausted all his efforts to get the cartel renewed, on the 24th January, 1864, wrote the following letter to Major-General E. A. Hitchcock, agent of exchange on the Federal side.

CONFEDERATE STATES OF AMERICA,

WAR DEPARTMENT,

RICHMOND, VIRGINIA, January 24, 1864.

SIR: In view of the present difficulties attending the exchange and release of prisoners, I propose that all such on either side shall be attended by a proper number of their own surgeons, who, under rules to be established, shall be permitted to take charge of their health and comfort. I also propose that these surgeons shall act as commissaries, with power to receive and distribute such contributions of money, food, clothing, and medicines as may be forwarded for the relief of the prisoners. I further propose that these surgeons shall be selected by their own Government, and that they shall have full liberty, at any and all times, through the agents of exchange, to make reports, not only of their own acts, but of any matters relating to the welfare of the prisoners.

Respectfully, your obedient servant,  
ROBERT OULD,  
Agent of Exchange.  
Major-General E. A. HITCHCOCK,  
Agent of Exchange.

The SPEAKER. The hour of the gentleman has expired.

Mr. RANDALL. I move the gentleman from Georgia be allowed to proceed. \* \* \*

There was no objection.

Mr. BLAINE. I believe the gentleman from Georgia (Mr. HILL) was a member of the Confederate Senate. I find in a historical book of some authenticity of character that in the Confederate Congress, Senator Hill, of Georgia, introduced the following resolution, relating to prisoners—

Mr. HILL. You are putting me on trial now, are you? Go ahead.

Mr. BLAINE. This is the resolution:

"That every person pretending to be a soldier or officer of the United States who shall be captured on the soil of the Confederate States after the 1st day of January, 1863, shall be presumed to have entered the territory of the Confederate States with the intent to incite insurrection and abet murder; and, unless satisfactory proof be adduced to the contrary before the military court before which the trial shall be had, shall suffer death. This section shall continue in force until the proclamation issued by Abraham Lincoln, dated at Washington on the 22d day of September, 1862, shall be rescinded, and the policy therein announced shall be abandoned, and no longer."

\* \* \* \* \*

Mr. HILL. \* \* \* My own impression is that I was not the author; but I do not pretend to recollect the circumstances. If the gentleman can give me the circumstances under which the resolution was introduced they might recall the matter to my mind.

Mr. BLAINE. Allow me to read further:

"October 1, 1862.—The Judiciary Committee of the Confederate Congress made a report and offered a set of resolutions upon the subject of President Lincoln's proclamation, from which the following are extracts:

"2. Every white person who shall act as a commissioned or non-commissioned officer, commanding negroes or mulattoes against the Confederate States, or who shall arm, organize, train or prepare negroes or mulattoes for military service, or aid them in any military enterprise against the Confederate States, shall, if captured, suffer death.

"3. Every commissioned or non-commissioned officer of the enemy who shall incite slaves to rebellion, or pretend to give them freedom under the aforementioned act of Congress and proclamation, by abducting or causing them to be abducted or inducing them to abscond, shall, if captured, suffer death."

Thereupon Senator HILL, of Georgia, is recorded as having offered the resolution I have read.

Mr. HILL. I was chairman of the Judiciary Committee of the Senate.

Mr. BLAINE. And this resolution came directly from that committee.

\* \* \* \* \*

Mr. HILL. I say to the gentleman frankly that I really do not remember.

Mr. BLAINE. The gentleman does not say he was not the author.

Mr. HILL. I do not. I will say this: I think I was not the author. Possibly I reported the resolution. It refers in terms to "pretended," not real soldiers.

Mr. BLAINE. I thought that inasmuch as the gentleman's line of argument was to show the character of the Confederate policy, this might aid him a little in calling up the facts pertinent thereto. [Laughter and applause.]

Mr. HILL. With all due deference to the gentleman, I reply he did not think any such thing. He thought he would divert me from the purpose of my argument and break its force by—

Mr. BLAINE. Oh, no.

Mr. HILL. He thought he would get up a discussion about certain measures presented in the Confederate Congress having no relation to the subject now under discussion, but which grew out of the peculiar relation of the Southern States to a population then in servitude—a population which the Confederate Government feared might be incited to insurrection—and measures were doubtless proposed which the Confederate Government may have thought it proper to take to protect helpless women and children in the South from insurrection.

\* \* \* \* \*

But, sir, I have read a letter from the Confederate Commissioner of Exchange, written in 1864, proposing that each side send surgeons with the prisoners; that they nurse and treat the prisoners; that the Federal authorities should send as many as they pleased; that those surgeons be commissioned also as commissaries to furnish supplies of clothing and food and everything else needed for the comfort of prisoners.

Now, sir, how did the Federal Government treat that offer? No reply was ever received.

Then, again, the Confederates made two more propositions. I will state that the cartel of exchange was broken by the Federal authorities for certain alleged reasons. \* \*

\* \* \* \* \*

The Confederates next proposed in a letter from Colonel Ould, dated the 10th of August, 1864, giving every objection the Federal Government had made, to agree to any and all terms to renew the exchange of prisoners, man for man, and officer for officer, as the Federal Government should prescribe. Yet, sir, the latter rejected that proposition. It took a second letter to bring an answer to that proposition.

Then, again, in that same month of August, 1864, the Confederate authorities did this; \*

\* \* \* They proposed to send the Federal sick and wounded prisoners without equivalent. \* \* \* That proposition, communicated to the Federal authorities in August, 1864, was not answered until December, 1864. In December, 1864, the Federal Government sent ships to Savannah. Now, the records will show that the chief suffering at Andersonville was between August and December. The Confederate authorities sought to avert it by asking the Federal Government to come and take its prisoners without equivalent, without return, and it refused to do that until four or five months had elapsed.

\* \* \* \* \*

Now, sir, it was in reference to that state of things exactly that Dr. Jones reported, as I have already read to the House, in his report which was mutilated before that Committee of Congress and in the trial of Wirz—it was in consequence of that very state of things that Dr. Jones said that depression of mind and despondency and home-sickness of these poor prisoners carried more to their graves than did physical causes of disease. That was not wonderful at all.

But, Mr. Speaker, why were all these appeals resisted? \*

Who is at fault? There must be a reason for this. That is the next point to which I wish to call the attention of the House.

\* \* \* \* \*

Here is General Grant's testimony before the committee on the exchange of prisoners, February 11, 1865. You believe him, do you not?

"Question. It has been said that we refused to exchange prisoners because we found ours starved, diseased, and unserviceable when we received them, and did not like to exchange sound men for such men."

That was the question propounded to him. His answer was:

"Answer. There never has been any such reason as that. That has been a reason for making exchanges. I will confess that if our men who are prisoners in the South were really well taken care of, suffering nothing except a little privation of liberty, then, in a military point of view it would not be good policy for us to exchange, because every man they get back is forced right into the army at once, while that is not the case with our prisoners when we receive them; in fact, the half of our returned prisoners will never go into the army again, and none of them will until after they have had a furlough of thirty or sixty days. Still the fact of their suffering as they do is a reason for making this exchange as rapidly as possible.

"Q. And never has been a reason for not making the exchange?

"A. It never has. Exchanges having been suspended by reason of disagreement on the part of agents of exchange on both sides before I came into command of the armies of the United States; and it then being near the opening of the spring campaign I did not deem it advisable or just to the men who had to fight our battles to re-enforce the enemy with thirty or forty thousand disciplined troops at that time. An immediate resumption of exchanges would have had that effect without giving us corresponding benefits. The suffering said to exist among our prisoners South was a powerful argument against the course pursued, and so I felt it."

There is no disputing the fact that, with the knowledge that his prisoners were suffering in the South, he insisted that the exchange should not be renewed, because it would increase the military power of the enemy. Now that may have been a good military reason. I do not quote it for the purpose of reflecting upon General Grant in the slightest. I am giving the facts of history. \* \* \* I give you the facts, and I have given you General Grant's interpretation of these facts. Let the world judge.

\* \* \* \* \*  
Against whom does the charge lie, if there are to be accusations of any, for the horrors of Andersonville?

Mr. BRIGHT. What was the percentage of deaths in the prisons?

Mr. HILL. I have already given it. I have proved also that, with all the horrors at Andersonville, \* \* \* greater sufferings occurred in the prisons where Confederate soldiers were confined, and that the percentage of death was 3 per cent. greater among Confederate troops in Federal hands than among Federal soldiers held by the Confederates. And I need not state the contrast between the needy Confederacy and the abundance of Federal supplies and resources.

\* \* \* \* \*  
Sir, if any man will reflect a moment he will see that there was reason why the Confederate government should desire exchange of prisoners. It was scarce of food, pinched for clothing, closed up with a blockade of its ports; it needed troops; its ranks were thinning.

Now, Mr. Speaker, it is proper that I should read one or two sentences from the man who has been arraigned as the vilest murderer in history. After the battles around Richmond, in which McClellan was defeated, some ten thousand prisoners fell into the hands of the Confederacy. Victory had perched upon its standard, and the rejoicing naturally following victory was heard in the ranks of the Confederate army. Mr. Davis went out to make a gratulatory speech. Now, gentlemen of the House, gentlemen of the other side, if you are willing to do justice, let me simply call your attention to the words of this man

that then fell from his lips in the hour of victory. Speaking to the soldiers, he said:

"You are fighting for all that is dearest to man, and though opposed to a foe who disregards many of the usages of civilized war, your humanity to the wounded and the prisoners was a fit and crowning glory of your valor."

\* \* \* \* \*  
The gentleman from Maine yesterday introduced the Richmond *Examiner* as a witness in his behalf. Now, it is a rule of law that a man cannot impeach his own witness. It is true that the *Examiner* hated Mr. Davis with a cordial hatred. The gentleman could not have introduced the testimony of perhaps a bitterer foe to Mr. Davis. Why did it hate him? Here are its reasons: "The chivalry and humanity of Jefferson Davis will inevitably ruin the Confederacy." That is your witness, and the witness is worthy of your cause. \* \* \* That is not all. In the same paper it says: "The enemy have gone from one unmanly cruelty to another. Encouraged by their impunity till they are now and have for some time been inflicting on the people of this country the worst horrors of barbarous and uncivilized war." Yet in spite of all this the *Examiner* alleged "Mr. Davis in his dealing with the enemy was as gentle as a sucking dove."

\* \* \* \* \*  
I do not doubt that I am the bearer of unwelcome messages to the gentleman from Maine and his party. He says that there are Confederates in this body, and that they are going to combine with a few from the North for the purpose of controlling this Government. If one were to listen to the gentlemen on the other side he would be in doubt whether they rejoiced more when the South left the Union, or regretted most when the South came back to the Union that their fathers helped to form, and to which they will for ever hereafter contribute as much of patriotic ardor, of noble devotion, and of willing sacrifice as the constituents of the gentleman from Maine. O, Mr. Speaker, why cannot gentlemen on the other side rise to the height of this great argument of patriotism? Is the bosom of the country always to be torn with this miserable sectional debate whenever a Presidential election is pending? To that great debate of half a century before secession there were left no adjourned questions. The victory of the North was absolute; and God knows the submission of the South was complete. But, sir, we have recovered from the humiliation of defeat, and we come here among you and we ask you to give us the greetings accorded to brothers by brothers. \* \* \*

Sir, my message is this: There are no Confederates in this House; there are now no Confederates anywhere; there are no Confederate schemes, ambitions, hopes, desires, or purposes here. But the South is here, and here she intends to remain. [Enthusiastic applause.] Go on and pass your qualifying acts, trample upon the Constitution you have sworn to support, abrogate the pledges of your fathers, incite rage upon our people, and multiply your infidelities until they shall be like the stars of heaven or the sands of the seashore, without number; but know this, for all your iniquities the South will never again seek a remedy in the madness of another secession. [Continued applause.] We are here; we are in the house of our fathers, our brothers are our companions, and we are at home to stay, thank God. [Much applause.]

\* \* \* \* \*  
We come charging upon the Union no wrongs to us. The Union never wronged us. The Union has been an unmixt blessing to every section, to every State, to every man of every color in America. We charge all our wrongs upon that "higher law"

fanaticism that never kept a pledge nor obeyed a law. The South did seek to leave the association of those who, she believed, would not keep fidelity to their covenants; the South sought to go to herself; but, so far from having lost our fidelity to the Constitution which our fathers made, when we sought to go, we hugged that Constitution to our bosoms and carried it with us.

\* \* \* \* \*  
Sir, we did the Union one great wrong. The Union never wronged the South; but we of the South did to the Union one great wrong; and we come, as far as we can, to repair it.

We wronged the Union grievously when we left it to be seized and rent and torn by the men who had denounced it as a "covenant with hell and a league with the devil." We ask you, gentlemen of the Republican party, to rise above all your animosities. Forget your own sins. Let us unite to repair the evils that distract and oppress the country. Let us turn our backs upon the past, and let it be said in the future that he shall be the greatest patriot, the truest patriot, the noblest patriot who shall do most to repair the wrongs of the past and promote the glories of the future. [Applause on the floor and in the galleries.]

## AMNESTY—MR. HILL, GEORGIA.

In the House of Representatives, January 12, 1876.

### MR. GARFIELD:

MR. SPEAKER, no gentleman on this floor can regret more sincerely than I do the course that the debate has taken, especially that portion which occurred yesterday. To one who reads the report of that discussion it would be difficult to discover

#### THE REAL QUESTION AT ISSUE

and to learn from the RECORD itself the scope and character of the pending measure. I regret that neither the speech of the gentleman from New York [Mr. Cox] nor that of the gentleman from Georgia [Mr. Hill] has yet appeared in the RECORD. I should prefer to quote from the full report, but, replying now, I must quote them as their speeches appeared in the public journals of yesterday and to-day. But they are here, and can correct any inaccuracy of quotation. Any one who reads their speeches would not suspect that they were debating a simple proposition to relieve some citizens of political and legal disabilities incurred during the late war. For example, had I been a casual reader, and not a listener, I should say that the chief proposition yesterday was an arraignment of the administration of this Government during the last fifteen years. If I had been called upon to pick out those declarations in the speech of the gentleman from Georgia [Mr. Hill] which embody the topic of debate, I should have said they were these:

The history of the last fifteen years is yet fresh in the minds of the world. It is useless to speak of the grace and magnanimity of the Republican party. With the master enslaved, with intelligence disfranchised, with society disordered, with States subverted, with Legislatures dispersed, people cannot afford to talk of grace and magnanimity. If that is grace and magnanimity, I pray God to spare the country in the future from such virtues.

I should say that the propositions and arguments arrayed around that paragraph were the center and circumference of his theme. Let me then in a few words try to recall the House to the actual topic of this debate.

A gentleman on the other side of the House a few days ago introduced a proposition in the form of a bill to grant amnesty to the remaining persons who are not yet relieved of their political disabilities under the Constitution. That is a plain proposition for practical legislation. It is a very important proposition. It is a proposition to finish and complete forever the work of executing one of the great clauses of the Constitution of our country. When that bill shall have become a law a large portion of the fourteenth amendment will have ceased to be an operative clause of the Constitution.

Whenever so great and important a matter is proposed a deliberative body should bring to its consideration the fullest and most serious examination. But what was proposed in this case? Not to deliberate, not to amend, not even to refer to a committee for the ordinary consideration given even to a proposition to repeal the tax on matches. No reference to anybody; but a member of the House, of his own motion and at his own discretion, proposes to launch that proposition into the House, refusing the privilege of amendment and the right to debate, except as it might come from his courtesy, and pass it, declaring, as he does so, the time has come to do justice to an oppressed people.

Under circumstances like these, Mr. Speaker, a large number of gentlemen on this floor felt they had a right, under the rules of the House and in the forum of justice and fair dealing, an undoubted right to deliberate on the proposition; that it should be open for amendment and debate. Every expression on this side of the House showed that we were earnestly in favor of so closing this last act in the drama of war so far as it relates to disabilities; that it should be closed forever—

#### CLOSED IN GOOD FAITH

and with good feeling. We deeply regretted that the attempt was made to cut us off from

deliberation and amendment, and we therefore threw ourselves back upon our rights; and it is by virtue of those rights that we debate this question to-day.

The gentleman from Maine [Mr. BLAINE] offered a criticism on the bill. He suggested that there were two points in which it out to be changed. One was that the seven hundred and fifty persons who are still forbidden to hold office under the Constitution should have free and absolute amnesty whenever they declare by taking the oath of allegiance in open court that they want it; that, like God's mercy and perfect pardon, amnesty should be granted by asking for it. It was suggested that we should follow the rule that we have followed hitherto in all cases similarly situated. That was the first point.

Another point was suggested, that there is one person, and only one, who ought to be excepted from the operation of the proposed law. Now that may have been wise or it may have been unwise, as a matter of statesmanship, but it was a question deserving debate, deliberation, and answer.

The proposition of the gentleman from Pennsylvania [Mr. RANDALL] is an affirmative one, and should be supported by affirmative reasons. If we allege any reason against, we ought to be answered. Two allegations have been made: first, that there ought to be an oath of allegiance before a court; and, second, that one man ought to be excepted. How have these propositions been met? How have these suggestions been answered? The first response was a speech full of brilliant wit and personalities. It was like joking at a funeral to joke on such an occasion. They have been answered, in the second place, by the speech of yesterday, which arraigns not the Republican party alone, but arraigns twenty-five millions of people, arraigns the history of the Republic for fifteen years, arraigns everything that is glorious in its record and high and worthy in its achievement. I was deeply pained that such an arraignment should have been made on such a subject. If the gentleman had confined himself to a reply to the argument which had been offered to show why the exception should be made, it would have been a response pertinent to the subject-matter in controversy.

While I occupy the attention of the House, I shall endeavor to confine myself to the question and to the speech of the gentleman from Georgia, [Mr. HILL.]

Let me say in the outset, that so far as I am personally concerned, I have never voted against any proposition to grant amnesty to any human being who has asked for it at the bar of the House. Furthermore, I appeal to gentlemen on the other side who have been

with me in this Hall many years, whether at any time they have found me truculent in spirit, unkind in tone or feeling toward those who fought against us in the late war. Twelve years ago this very month, standing in this place, I said this:

"I BELIEVE A TRUCE

could be struck to-day between the rank and file of the hostile armies now in the field. I believe they could meet and shake hands together, joyful over returning peace, each respecting the courage and manhood of the other, and each better able to live in amity than before the war."

I am glad to repeat word for word what I said that day. For the purposes of this speech I will not even claim the whole ground which the Government assumed toward the late rebellion. For the sake of the present argument, I will view the position of those who took up arms against the Government in

THE LIGHT LEAST OFFENSIVE TO THEM.

Leaving out of sight for the moment the question of slavery, which evoked so much passion, and which was the producing cause of the late war, there were still two opposing political theories which met in conflict. Most of the Southern statesmen believed that their first obedience was due to their State. We believed that the allegiance of an American citizen was due to the National Government, not by the way of a State Capital, but in a direct line from his own heart to the Government of the Union. Now, that question was submitted to the dreadful arbitrament of war, to the court of last resort—a court from which there is no appeal, and to which all other powers must bow. To that dread court the great question was carried, and there the right of a State to secede was put to rest forever. For the sake of peace and union I am willing to treat our late antagonists as I would treat litigants in other courts, who, when they have made their appeal, and the final judgment is rendered, pay the reasonable costs and bow to its mandates. But our question to-day is not that, yet is closely connected with it. When we have made our arguments and the court has rendered judgment, it may be that in the course of the proceedings the court has used its discretion to disbar some of its counselors for malpractice, for unprofessional conduct. In such a case, a motion may be made to restore the disbarred members. Applying this illustration to the present case, there are seven hundred and fifty people who are yet disbarred before the highest authority of the Republic, the Constitution itself. The proposition is to offer again the privileges of official station to these people; and we are all agreed as to every human being of them save one.

I do not object to Jefferson Davis because he was a conspicuous leader. Whatever we may believe theologically, I do not believe in the doctrine of vicarious atonement in politics. Jefferson Davis was no more guilty for taking up arms than any other man who went into the rebellion with equal intelligence. But this is the question: In the high court of war did he practice according to its well-known laws—the laws of nations? Did he, in appealing to war, obey the laws of war; or did he so violate those laws that justice to those who suffered at his hands demands that he be not permitted to come back to his old privileges in the Union? That is the whole question; and it is as plain and fair a question for deliberation as was ever debated in this House.

Now, I wish we could discuss it without any passion—without passionate thoughts, such as we heard yesterday. The words were eloquent, for the gentleman from Georgia well knows how to utter passionate thoughts with all the grace and eloquence of speech.

What answer has been made to the allegations of the gentleman from Maine to the reasons he offered why a full amnesty should not be offered to Jefferson Davis? The gentleman from Georgia denies, and so also apparently did the gentleman from New York, [Mr. Cox,] the authenticity of

#### THE CHARGES OF ATROCITIES AT ANDERSONVILLE.

The gentleman from New York [Mr. Cox] spoke of the committee from whose report the gentleman from Maine [Mr. BLAINE] read as a "humbug committee." The gentleman from Georgia [Mr. HILL] spoke of it as an *ex parte* and partisan committee—a committee that wrote and reported out of its fury and rage. Now, Mr. Speaker, I am unwilling that this case shall turn upon the mere authority of a committee, however high; but I want to say now, without arguing the merits, that whether the charge was just or unjust, it was a charge made by the Government of the United States. I mean to place the responsibility of the charges on the high ground of the authority of the Government, which no self-respecting man can call trivial and unworthy of his serious attention.

On the 4th day of May, 1864, the Secretary of War, speaking by the authority of the executive department of the National Government, addressed a communication to a committee of Congress, which I will read. It is found in a volume of reports of committees of the first session of the Thirty-eighth Congress, volume 1, 1863-'64, and is as follows:

WAR DEPARTMENT,  
WASHINGTON CITY, May 4, 1864.

SIR: I have the honor to submit to you a report made to this department by Colonel Hoffman, Commissary General of Prisoners, in

gard to the condition of Union soldiers who have until within a few days been prisoners of war at Richmond, and would respectfully request that your committee immediately proceed to Annapolis to take testimony there and examine with their own eyes the condition of those who have been returned from rebel captivity. The enormity of the crime committed by the rebels toward our prisoners for the last several months is not known or realized by our people, and cannot but fill with horror the civilized world when the facts are fully revealed. There appears to have been a deliberate system of savage and barbarous treatment and starvation, the result of which will be that few, if any, of the prisoners that have been in their hands during the past winter will ever again be in a condition to render any service or even to enjoy life.

Your obedient servant,

EDWIN M. STANTON,

Secretary of War.

HON. B. F. WADE, Chairman of Joint Committee on Conduct of the War.

On the receipt of this letter a joint committee of the two Houses, known as the Committee on the Conduct of the War, was sent to Annapolis, to hold their sessions in the presence of the thousands of returned prisoners who had just been landed, and as the result of their deliberations, and after taking testimony on the spot from officers and men who had just returned, they reported not only their opinions, but the testimony in full, in the volume which I hold in my hand. That committee was composed of

REPUBLICANS AND DEMOCRATS,

and its report is unanimous. The Democrats on the committee were among the foremost members of the Senate and House. One of them was Mr. Odell, of New York, a gentleman not now living, who was one of the best men that party has had on the floor of this House since I have been a member. Another was Senator Harding, of Oregon. That committee made an elaborate report, from which I will read a few paragraphs:

The evidence proves beyond all manner of doubt a determination on the part of the rebel authorities, deliberately and persistently practiced for a long time past, to subject those of our soldiers who have been so unfortunate as to fall in their hands to a system of treatment which has resulted in reducing many of those who have survived and been permitted to return to us to a condition, both physically and mentally, which no language we can use can adequately describe. Though nearly all the patients now in the Naval Academy Hospital at Annapolis and in the West Hospital in Baltimore have been under the kindest and most intelligent treatment for about three weeks past, and many of them for a greater length of time, still they present literally the appearance of living skeletons, many of them being nothing but skin and bone; some of them are maimed for life, having been frozen while exposed to the inclemency of the winter season on Belle Isle, being compelled to lie on the bare ground without tents or blankets, some of them without overcoats or even coats, with but little fire to mitigate the severity of the winds and storms to which they were exposed. \* \* \*

It will be observed from the testimony that all the witnesses who testify upon that point



state that the treatment they received while confined at Columbia, South Carolina, Dalton, Georgia, and other places, was far more humane than that they received at Richmond, where the authorities of the so-called Confederacy were congregated, and where the power existed, had the inclination not been wanting, to reform those abuses and secure to the prisoners they held some treatment that would bear a public comparison to that accorded by our authorities to the prisoners in our custody. Your committee, therefore, are constrained to say that they can hardly avoid the conclusion expressed by so many of our released soldiers, that the inhuman practices herein referred to are the result of a determination on the part of the rebel authorities to reduce our soldiers in their power by privation of food and clothing and by exposure to such a condition that those who may survive shall never recover so as to be able to render any effective service in the field.

I am not now discussing the merits of the charge at all, but am showing that such is, and for twelve years has continued to be, the authoritative official charge of the executive department of the Government and of a joint committee of the two Houses. So much for the responsible character of the charge. To this I should add that this charge is believed to be true by a great majority of the people whom we represent on this floor.

I now inquire is this charge true?

The gentleman from Georgia denies generally the charge that atrocities were practiced upon our prisoners at Andersonville. He makes a general denial, and asserts that Mr. Davis did observe

#### THE HUMANE RULES OF MODERN WARFARE.

As a proof, he quotes the general order issued by the President of the Confederate Government under which the prison was to be established, an order providing that it should be located on healthy ground, where there was an abundance of good water, and trees for healthful and grateful shade. That is a perfect answer so far as it goes. But I ask how that order was executed? To whose hands was committed the work of building the Andersonville prison? To the hands of General Winder, an intimate and favorite friend of Mr. Davis. And who was General Winder? He was a man of whom the Richmond *Examiner* used these words the day he took his departure from Richmond to assume command of the proposed prison:

Thank God that Richmond is at last rid of old Winder. God have mercy upon those to whom he has been sent!

He was, as the testimony in the Wirz trial shows, the special and intimate friend of Jefferson Davis, the President of the Confederacy, by whom he was detailed on this business, and detailed with such a send-off as I have read you from a paper of his own city warmly in the interest of the rebel cause.

What next? How did General Winder execute the order after he went there? I

turn to the Wirz trial, and read from it only such authorities as the gentleman from Georgia recognizes—

#### OFFICERS OF THE REBEL ARMY.

The gentleman stated yesterday that there was nothing in this book connecting the head of the Confederate Government with the Andersonville atrocities. Before I am through we will see. On the 5th day of January, 1864, a report was made by D. T. Chandler, a lieutenant colonel of the Confederate army. This report was offered in evidence in the Wirz trial, and Colonel Chandler was himself a witness at that trial, and swears that the report is genuine. I quote from page 224:

ANDERSON, January 5, 1864.

COLONEL: Having, in obedience to instructions of the 25th ultimo, carefully inspected the prison for Federal prisoners of war and post at this place, I respectfully submit the following report:

The Federal prisoners of war are confined within a stockade fifteen feet high, of roughly hewn pine logs about eight inches in diameter, inserted five feet into the ground, inclosing including the recent extension, an area of five hundred and forty by two hundred and sixty yards. A railing round the inside of the stockade, and about twenty feet from it, constitutes the "dead line," beyond which the prisoners are not allowed to pass, and about three and one-fourth acres near the center of the inclosure are so marshy as to be at present unfit for occupation, reducing the available present area to about twenty-three and one-half acres, which gives somewhat less than six square feet to each prisoner. Even this is being constantly reduced by the additions to their number. A small stream passing from west to east through the inclosure, at about one hundred and fifty yards from its southern limit, furnishes the only water for washing accessible to the prisoners. Some regimen of the guard, the bakery, and the cook house, being placed on the rising grounds bordering the stream before it enters the prison, render the water nearly unfit for use before it reaches the prisoners. \* \* \*

D. T. CHANDLER,

Assistant Adjutant and Inspector General.  
Colonel R. H. CHILTON, Assistant Adjutant and Inspector General.

Here is an official exhibit of the manner in which the officer detailed by Jeff. Davis chose the place for health, with "running water, and agreeable shade." He chose a piece of forest-ground that had a miasmatic marsh in the heart of it and a small stream running through it; but the troops stationed outside of the stockade were allowed to defile its pure water before it could reach the stockade; and then, as if in the very refinement of cruelty, as if to make a mockery of the order quoted by the gentleman from Georgia, be detailed men

#### TO CUT DOWN EVERY TREE AND SHRUB

in the inclosure, leaving not a green leaf to show where the forest had been. And subsequently, when the burning sun of July was pouring down its fiery heat upon the heads of these men, with but six square feet of ground to a man, a piteous

petition was made by the prisoners to Winder to allow these poor men to be detailed to go outside, under guard, and cut pine from the forest to make arbors under which they could shelter themselves, and they were answered with all the loathsome brutality of malignant hate, that they should have no bush to shelter them; and thus, under the fierce rays of the southern sun, they miserably perished.

These last statements are made on the authority of Ambrose Spencer, a planter of Georgia, who resided within five miles of Andersonville. I quote from his testimony, (Wirz's trial, p. 359:)

Between the 1st and 15th of December, 1863, I went up to Andersonville with W. S. Winder and four or five other gentlemen, out of curiosity, to see how the prison was to be laid out. \* \* \* I asked him if he was going to erect barracks or shelter of any kind. He replied that he was not; that the damned Yankees who would be put in there would have no need of them. I asked him why he was cutting down all the trees, and suggested that they would prove a shelter to the prisoners, from the heat of the sun, at least. He made this reply, or something similar to it: "That is just what I am going to do; I am going to build a pen here that will kill more damned Yankees than can be destroyed in the front." Those are very nearly his words, or equivalent to them.

So much for the execution of the President's order to locate the prison.

But I am not yet done with the testimony of Colonel Chandler. A subsequent report was made by him in the month of August. He went back and re-examined the horrors of that pen, and as the result of his examination he made a report, from which I quote the last few sentences, (Wirz's trial, p. 227:)

ANDERSONVILLE, August 5, 1864.

COLONEL: \* \* \*

My duty requires me respectfully to recommend a change in the officer in the command of the post, Brigadier General J. H. Winder, and the substitution in his place of some one who unites both energy and good judgment with some feeling of humanity and consideration for the welfare and comfort (so far as is consistent with their safe-keeping) of the vast number of unfortunates placed under his control; some one who at least will not advocate deliberately and in cold blood the propriety of leaving them in their present condition until their number has been sufficiently reduced by death to make the present arrangement suffice for their accommodation; who will not consider it a matter of self-laudation and boasting that he has never been inside of the stockade, a place the horrors of which it is difficult to describe, and which is a disgrace to civilization, the condition of which he might, by the exercise of a little energy and judgment, even with the limited means at his command, have considerably improved.

D. T. CHANDLER,

Assistant Adjutant and Inspector General.  
Colonel R. H. CHILTON, Assistant Adjutant and  
Inspector General C. S. A., Richmond, Virginia.

Mr. HALE. What is the date of that report?

Mr. GARFIELD. August 5, 1864.

Mr. HALE. How long after that was Winder retained there in command?

Mr. GARFIELD. I will come to that in a moment.

Now, what do honorable gentlemen suppose would naturally be done with such a report as that? Remember that Colonel Chandler was a witness before the court that tried Wirz and reaffirmed every word of this report. If he is living I would make a pilgrimage to see him and thank him for

THE HUMANITY AND TENDERNESS with which he treated my unfortunate comrades. So anxious was he that the great crime of Winder should be rebuked that he went to Richmond, and in person delivered his report to the Secretary of War, a member, of course, of the cabinet of Jefferson Davis. If I am not correct in this I believe there is a member of that cabinet now on this floor who can correct me. Of course, being a soldier, Colonel Chandler first delivered his report to the adjutant general, and that officer, General Cooper, on the 18th of August, 1864, wrote upon the back of the report these words:

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,  
August 18, 1864.

Respectfully submitted to the Secretary of War. The condition of the prison at Andersonville is a reproach to us as a nation. The engineer and ordnance departments were applied to, and authorized their issue, and I so telegraphed General Winder. Colonel Chandler's recommendations are concurred in. By order of General Cooper.

R. H. CHILTON,  
Assistant Adjutant and Inspector General.

Not content with that indorsement, Colonel Chandler went to the office of the secretary of war himself; but, the secretary being absent at the moment, the report was delivered to the assistant secretary of war, J. A. Campbell, who wrote below General Cooper's indorsement these words:

These reports show a condition of things at Andersonville which calls very loudly for the interposition of the department, in order that a change be made.

J. A. CAMPBELL,  
Assistant Secretary of War.

Mr. REAGAN. Does not the gentleman know that the adjutant general could only have made such an order by direction of the president?

Mr. GARFIELD. I do not know what the habit was in the confederacy. It is not so in this Government.

Mr. REAGAN. The gentleman will allow me to say that all persons familiar with the business of that office know that the adjutant general executes direct orders made by the president, but has not himself authority to make such orders.

Mr. GARFIELD. That may have been the rule in the Confederate government; but it was never the rule here. The Adjutant General of our army signs no order except by or-

der of the Secretary of War. The Adjutant General is the clerk of the Secretary of War, and the Secretary of War is in turn the clerk of the President. But the gentleman from Texas [Mr. REAGAN] will soon see that he cannot defend Davis by the indorsement of General Cooper. The report did not stop with the adjutant general. It was carried up higher and nearer to Davis. It was delivered to Assistant Secretary Campbell, who wrote the indorsement I have just read. The report was lodged with the department of war, whose chief was one of the confidential advisers of Mr. Davis—a member of his official family. What was done with it? The record shows, Mr. Speaker, that a few days thereafter an order was made in reference to General Winder. To what effect? Promoting him! Adding to his power

#### IN THE FIELD OF HIS INFAMY!

He was made commissary-general of all the prisons and prisoners throughout the confederacy. That was the answer that came as the result of this humane report of Colonel Chandler; and that new appointment of Winder came from Mr. Seddons, the Confederate secretary of war.

A MEMBER. By order of the President.

Mr. GARFIELD. Of course all appointments were made by the President, for the gentleman from Georgia says that they carried our Constitution with them and hugged it to their bosoms. But that is not all. The testimony of the Wirz trial shows that at one time the secretary of war himself became shocked at the brutality of Winder, and in a moment of indignation relieved him from command. For authority upon this subject I refer to the testimony of Cashmeyer, a detective of Winder's, who was a witness before the Wirz court. That officer testified that when Mr. Seddons, Secretary of War, wrote the order relieving Winder, the latter walked over with it to Jefferson Davis, who immediately wrote on the back of it, "This is entirely unnecessary and uncalled for." Winder appears to have retained the confidence and approval of Davis to the end, and continued on duty until the merciful providence of God struck him dead in his tent in the presence of the witness who gave this testimony.

Now, who will deny that in the forum of law we do trace the responsibility for these atrocities to the man whose name is before us to be relieved of all his political disabilities? If not, let gentlemen show it. Wipe out the charge, and I will be the first man here to vote to relieve him of his disabilities.

Winder was allowed to go on. What did he do? I will only give results, not details. I will not harrow my own soul by the revival of those horrible details. There is a

group of facts in military history well worth knowing which will illustrate the point I am discussing. The great Napoleon did some fighting in his time, as did his great antagonist, the Iron Duke. In 1809 was fought the battle of Talavera, in 1811 the battle of Albuera, in 1812 the battle of Salamanca, in 1813 Vittoria, in 1815 the battles of Ligne, Quatre Bras, Waterloo, Wavre, and New Orleans, and in 1854 the battles of the Crimea. The number of men in the English army who fell in battle or who were killed or died of wounds received in these battles amounted in the aggregate to 12,928. But this Major General Winder

#### WITHIN HIS HORRIBLE ARENA OF DEATH.

from April, 1864, to April, 1865, tumbled into the trenches of Andersonville the dead bodies of 12,644 prisoners—only two hundred and eighty-four less than all the Englishmen who fell in or died of wounds received in the great battles I have named.

Now, Mr. Speaker, I have simply given these results. Percentages pale and fade away in the presence of such horrible facts.

#### THE REBEL PRISONERS AT ELMIRA

And the gentleman from Georgia denies the charge of atrocities at Andersonville and charges us with greater ones. I will give his words as they are quoted in the morning papers:

When the gentleman from Maine speaks again let him add that the atrocities of Andersonville do not begin to compare with the atrocities of Elmira, of Fort Douglas, or of Fort Delaware, and of all the atrocities, both at Andersonville and Elmira, the Confederate government stands acquitted from all responsibility and blame.

I stand in the presence of that statement with an amazement that I am utterly incapable of expressing. I look upon the serene and manly face of the gentleman who uttered it and I wonder what influence of the supernal or nether gods could have touched him with madness for the moment and led him to make that dreadful statement. I pause; and I ask the three Democrats on this floor who happen to represent the districts where are located the three places named, if there be one of them who does not know that this charge is fearfully and awfully untrue? [A pause.] Their silence answers me. They are strangers to me, but I know they will repel the charge with all the energy of their manhood.

Mr. PLATT. I hold in my hand a telegraphic communication from

GENERAL B. F. TRACY,

late commandant of the military post at Elmira, and I beg permission to read that communication.

Mr. GARFIELD. I will yield for that purpose.

Mr. PLATT. The communication is as follows:

BROOKLYN, NEW YORK, *January 12, 1876.*  
 To HON. T. C. PLATT,  
*House of Representatives, Washington,  
 District of Columbia:*

The facts justify your denial of cruelty, inhumanity, or neglect in the treatment of prisoners at Elmira. There was no suffering there which is not inseparable from a military prison. First, there was no dead-line. No prisoner was ever shot for attempting to escape. Second, the food was ample and of the best quality. Thousands of dollars were expended in the purchase of vegetables in addition to the army ration. No congressman in Washington eats better bread than was given daily to the prisoners. The beef was good, and of the same quality and quantity as that distributed to our own soldiers guarding the camp. Third, the dead were not buried in trenches, but the remains were placed in neat coffins and buried in separate graves, with a head-board bearing the name, company, and regiment, and time of death, and all were buried in the public cemetery at Elmira. Fourth, there was no better supplied military hospital in the United States than the hospital in the prison camp. Fifth, all the prisoners were comfortably quartered in new wooden barracks, built expressly for them. From the time I took command, in September, all the saw-mills in the vicinity of Elmira were kept constantly running to supply lumber for buildings, &c. The barracks for prisoners were first built, and in the extreme cold weather of winter the prisoners were all in barracks, while the soldiers guarding them were still in tents. I was criticised for this in the *Army and Navy Journal*. I think it was, at the time, by an officer of our Army. Sixth, the camp and all the buildings were well policed, and kept scrupulously clean. Seventh, the mortality which prevailed was not owing to neglect, or want of sufficient supplies or medical attention, but to other and quite different causes.

B. F. TRACY,  
*Late Commandant Military Post Union.*

Mr. WALKER, of New York. Mr. Speaker, as the member from the district in which Elmira Depot is located, I take pleasure in indorsing every word of Colonel Tracy's dispatch. I was almost daily at Elmira during the war, and I know that Confederate prisoners

HAD THE SAME CARE AND TREATMENT that the Union soldiers had, and I never heard a complaint. [Great applause.]

Mr. GARFIELD. Mr. Speaker, the lighting is our witness. From all quarters of the Republic denials are pouring in upon us. Since I came to the House this morning I have received the following dispatch from an honored soldier of Ohio, which tells its own story:

CLEVELAND, OHIO, *January 12, 1876—10.33 a.m.*  
 To GENERAL GARFIELD,  
*House of Representatives:*

By authority of Secretary of War I furnished 15,000 rebel prisoners at Elmira with the same rations—coffee, tobacco, coal, wood, clothing, barracks, medical attendance—as were given to our own soldiers. The dead were decently buried in Elmira cemetery. All this can be proved by Democrats of that city.

General J. J. ELWELL.

Mr. HILL. By permission of the gentleman from Ohio, I desire to say that there

was no purpose on my part by any of my remarks on yesterday to charge inhumanity upon anybody at Elmira or anywhere else. I only read the evidence from official sources as I understood it.

Mr. BLAINE. A letter in a newspaper.

Mr. HILL. Let me get through, if you please. Do not be uneasy. Keep quiet, and I will not hurt you. [Laughter.]

Mr. MACDOUGALL. That is what you told us in 1861.

Mr. HILL. I simply say that I was reading the evidence of cruelties, in the language of that letter, "inseparable from prison life." Then I read of the small-pox epidemic at Elmira, and its character. But the remark which the gentleman is now commenting on was not connected with any charge of inhumanity upon any person in the world. I wish it distinctly understood that I meant to charge inhumanity upon nobody. I was simply speaking of those horrors that are inseparable from all prison life; and I wound up my statement by saying that the official reports of Secretary Stanton, on the 19th of July, 1866, after the war was over, gave the relative mortality of prisoners in Federal hands and prisoners in Confederate hands, and that the mortality of Confederate prisoners in Northern prisons was 12 per cent., while the mortality of Federal prisoners in Confederate hands was less than 9 per cent. Now, I simply said that judging by that test there was more atrocity (if you please to call it so)—I meant, of course, mortality—in the prisons of the North than in those of the South. Let the gentleman take the benefit of that statement. I simply referred to the report of Secretary Stanton.

Mr. BAKER, of Indiana. Does the gentleman mean to charge that the amount of mortality in Northern prisons was owing to any cruelty or neglect of the Federal officers?

Mr. HILL. I do not undertake to say to what special cause the mortality on either side was attributable. I say it was attributable to those horrors inseparable from prison life everywhere; and I simply entered my protest against gentlemen seeking to stir up those old past horrors on either side to keep alive a strife that ought to be buried. That is all. [Applause.]

Mr. GARFIELD. I am glad to hear what the gentleman says, and to give it more force by contrast I quote again the words he used as reported in the newspapers this morning:

When the gentleman from Maine addresses the House again let him add to it that the atrocities of Andersonville do not begin to compare with the atrocities of Elmira, of Fort Douglas, or of Fort Delaware; and of all the atrocities, both at Andersonville and Elmira, the Confederate government stands acquitted from all responsibility and blame.

I refer to it to show why I could not—

Mr. HILL. I have no doubt the gentle-

man's motive is good; but he will permit me to remind him that what he has just read was said by me after reading Secretary Stanton's report; and of course, while I mentioned prison places at the North I did not mean to charge inhumanity upon any one as a class.

Mr. GARFIELD. But let me say another word to close this branch of the subject. The only authority introduced to prove the pretended atrocity at Elmira was an anonymous letter printed in the New York *World*. The Roman soldiers who watched at the sepulchre of the Saviour of mankind attempted to disprove His resurrection by testifying to what happened while they were asleep. Bad as this testimony was, it was not anonymous; but in this case the testimony was that of a shadow—an initial—nobody. *Stat nominis umbra*. What the substance was we know not. But even as to this

#### ANONYMOUS AUTHORITY

it would have been well for the cause of justice if the gentleman had been kind enough to quote it all. I read, I believe, from the very book from which the gentleman quoted—The Life of Davis—a sentence omitted by him, but which I hope he will have printed in his speech. It is this:

The facts demonstrate that in as healthy a location as there is in New York, with every remedial appliance in abundance, with no epidemic, &c.

So that even this anonymous witness testifies that we planted our Elmira prison in as healthy a place as there was in the State of New York. It ought to be added that the small-pox broke out in that prison very soon after the date of this letter; and the mortality that followed was very much greater than in any other prison in the North.

How we have kept alive our vindictiveness will be seen by the fact that Congress, at its last session or the session before last, passed a law making the rebel cemetery at Elmira a part of the national-cemetery system; and to-day, this malignant Administration, this ferocious Constitution-hating and South-hating Administration is paying an officer for tenderly caring for the inclosure that holds the remains of these outraged soldiers!

Mr. MACDOUGALL. And a Union soldier, Captain Fitch, is building at his own expense a monument at Elmira to the Confederate dead.

Mr. GARFIELD. I did not know that. At another place, Finn's Point, in Virginia, we have within the past few months embraced another cemetery of rebel soldiers under the law and protection of our national cemetery system. All this out of the depths of our wrath and hatred for our Southern brethren!

Mr. HILL. Will the gentleman allow me to say a word on that point?

Mr. GARFIELD. Certainly.

Mr. HILL. In response to what the gentleman has said, I desire to state as a fact what I personally know, that on the last occasion of decorating soldiers' graves in the South, our people, uniting with Northern soldiers there, decorated in harmonious accord the graves of the fallen Federals and the graves of the fallen Confederates. It is because of this glorious feeling that is being awakened in the country that I protest against the revival of these horrors about any prison.

Mr. GARFIELD. So do I. Who brought it here? [Cries from the Democratic side of the House, BLAINE! BLAINE!] We will see as to that. I wish this same fraternal feeling could come out of the graveyard and display itself toward the thirty or forty maimed Union soldiers who were on duty around this Capitol, but who have been displaced by an equal number of

#### SOLDIERS ON THE OTHER SIDE.

[Applause.]

There was another point which the gentleman made which I am frank to say I am not now able to answer.

Mr. REAGAN. Mr. Speaker, I wish to call attention (with the permission of the gentleman from Ohio) to the exact state of facts in reference to the allegation just made by him. This is not the first time the statement has been made that there have been thirty or forty crippled Federal soldiers removed from office under this House and their places filled by Confederate soldiers. I was shown yesterday morning by the Doorkeeper of the House (and the information is as accessible to the gentleman from Ohio and all others as to myself) a roll showing there were eighteen Federal soldiers appointed by the Doorkeeper of the House during the last Congress, while twenty-four Federal soldiers have been appointed by the Doorkeeper of the present Congress; while at the same time the aggregate number appointments allowed to the Doorkeeper of the House of the last Congress was very much larger than that allowed to the Doorkeeper of the present Congress. Besides that, more than three-fourths of those appointed by the present Doorkeeper have taken what is popularly denominated as the iron-clad oath.

Mr. GARFIELD. I should be glad to know that the gentleman from Texas is correct.

Mr. SOUTHARD. The gentleman from Texas has referred to a list which I have here before me.

Mr. GARFIELD. My time is fast running out, and I do not want it all taken up by these explanations; but I will hear my colleague.

The SPEAKER. Does the gentleman from Ohio yield?

Mr. GARFIELD. I yield to my colleague.  
Mr. RANDALL. Your time will be extended.

Mr. SOUTHARD. The statement which I have before me, and to which the gentleman from Texas referred, is that of the one hundred and fifty-three appointments made by the Doorkeeper in the last House of Representatives there were eighteen Union soldiers; while, out of eighty-five appointments allowed to the Doorkeeper of the present House, twenty-six Union soldiers have been appointed. [Applause.]

The SPEAKER. These demonstrations are entirely out of order.

Mr. JONES, of Kentucky. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. JONES, of Kentucky. My point is this: I do not know whether it is a point of order or not, but I do request that the Speaker will in the most determined manner suppress any applause in this House. I regret this debate, and especially these details; but this applause is unbecoming the gravity of the question, however unfortunately it may have come up here; and I do request that on this side of the House there shall be no applause of any member who speaks for the South, or any demonstration against any one speaking on that side of the House. I hope courtesy and decorum will be observed. [Cries of "Good!" "Good!"] It is unbecoming the House, and unbecoming the country, and I hope it will be stopped.

The SPEAKER. The suggestion of the gentleman from Kentucky is well made. These things are not in order, and the Chair earnestly requests the House will set an example to those outside of the bar and in the galleries by stopping all such demonstrations. And the Chair takes occasion to say to the galleries that if these things are continued it will be his duty to have them cleared.

Mr. GARFIELD. I regret as much as any one the discussion of this question. I did not intend to refer to it at all. I hope what my colleague has presented as a statistical table will turn out to be correct. I shall be glad if it does. I know he thinks it is correct. However, there has been put into my hand a statement about a single office of the House in which the names of the old and new rolls are given. I speak of the post office of the House, in which it is claimed that while nine Union soldiers were on the rolls during the last year,

#### NINE CONFEDERATE SOLDIERS

have replaced them on the roll of this year; and that of the thirteen employees there, but two took the oath that they had

not borne arms against the Government. If the statement be correct which I have had put into my hands, it would seem to throw some shadow of doubt on what we have just heard. But let both statements go in together.

This is the list handed to me:

#### POST OFFICE OF THE HOUSE.

The old force.—Norman Crane, Vermont; A. M. Legg, New York, two years in Union Army; F. A. Wardell, Massachusetts, four years in Union Army, and permanently disabled at Winchester; J. H. Paine, Ohio, was in Union Army; O. M. Thomas, Iowa; R. P. Bishop, Michigan, lost an arm in the Union Army; R. S. MacMichael, Wisconsin, nearly lost his sight in the Union Army; D. B. Bradley, Wisconsin, three years in Union Army; J. H. Lytle, New York; W. B. Sessions, New York; J. D. Severn, Pennsylvania; D. F. Bishop, Pennsylvania; W. Tudge, District of Columbia; Cripi Palmont, District of Columbia.

The new force.—George W. Rock, Virginia, in Confederate army; Henry Cook, Virginia, in Confederate army; Richard Allen, Virginia; S. W. Kennedy, Virginia, in Confederate army; A. W. C. Nowlin, Virginia, in Confederate army; Edward C. Sloss, Virginia; W. H. Robinson, Virginia, in Confederate army; J. R. Fisher, Virginia, in Confederate army; P. S. Goodsil, W. B. Lowery, Virginia, in Confederate army; Joseph M. Taylor, Edwin Este, New York; Thomas Kirby, Connecticut, in Union Army.

Mr. Speaker, I was about to refer to another point made by the gentleman from Georgia in his statement of the number of prisoners taken by us and taken by them and the relative number of deaths. I have this morning received from the Surgeon General references to all the pages of official reports on that subject, but I have not been able, in the hurried moments of the session since I arrived here, to examine the figures. The gentleman from Illinois [Mr. BURCHARD] has made up a part of the statement which I am now able to present. That statement shows that during the war

WE TOOK 476,169 PRISONERS, while on the other side they took 188,145 prisoners from us.

This is a statement to which the Surgeon General referred me in a note received since I took my seat in the House this morning, and is in a printed report on the treatment of prisoners of war by the rebel authorities, third session Fortieth Congress, page 228, which gentlemen can examine at their leisure.

It ought to be added in this connection that the conscription laws of the Confederate Congress forced all able-bodied citizens between the ages of seventeen and fifty into the service, while our laws limited the conscription to the usual military ages. This, of course, put into their army a large number of immature boys and broken-down old men, among whom the mortality would naturally be greater than in any army made up of men of the ordinary ages.

I turn now to another point. The gentle-



man makes another answer concerning these atrocities.

The SPEAKER. The gentleman's hour has expired.

Mr. HILL. I hope the gentleman from Ohio will be permitted to go on.

There being no objection, Mr. GARFIELD's time was extended indefinitely.

Mr. GARFIELD. I am very grateful for this courtesy and will not abuse it.

The gentleman from Georgia makes another answer, that whatever was suffered by the prisoners for at least a considerable portion of the time was in consequence of our REFUSAL TO MAKE AN EXCHANGE OF PRISONERS, because we would not give them their fresh men in our prisons, and take our shadows and skeletons that came back from theirs.

This is a part, and an important part, of a great history, which must not be omitted in this debate; and I will very briefly refer to its leading points. There was much trouble about the exchange of prisoners between the two belligerents; first, because for a long time we did not acknowledge the Confederates as belligerents. We hoped under the ninety days theory of Mr. Seward to get through without their recognition, but that hope failed. Our enemies were as gallant a people as ever drew the sword, and the fulfillment of that hope was delayed for months and for years. But finally an arrangement was made under which it was possible to make a cartel for the exchange of prisoners; and on the 22d of July, 1862, a cartel was agreed upon between the belligerents, which provided that within ten days after a prisoner was taken he should be paroled and sent home; and whenever it was announced by either side that a certain number was relieved from the parole a corresponding number should be released from the other side, and in that way the exchange was effected.

There were two points of delivery of prisoners. One was at Vicksburg. Another was at a point near Dutch Gap, in Virginia. And the exchange went on for some time until a series of events occurred which interrupted it. To those events I desire to call attention for a moment. The first in order of time was a proposition which was read before the House yesterday, and which I incorporate here in my remarks, not for the sake of making any personal point, but to preserve the continuity of the history.

#### HILL'S BLACK FLAG RESOLUTION.

In October, 1862, a resolution was introduced into the Confederate Senate by Senator Hill, of Georgia—

That every person pretending to be a soldier or officer of the United States who shall be captured on the soil of the Confederate States after the first of January, 1863, shall be presumed to have entered the territory of the Confederate States with intent to excite

insurrection and to abet murder, and that unless satisfactory proof be adduced to the contrary before the military court before which his trial shall be had he shall suffer death.

That was the first step in the complication in regard to the exchange of prisoners of war. That resolution appears to have borne early fruits.

On the 22d day of December, 1862, Jefferson Davis, the man for whom amnesty is now being asked, issued a proclamation, a copy of which I hold in my hand. I read two paragraphs:

First. That all commissioned officers in the command of said Benjamin F. Butler be declared not entitled to be considered as soldiers engaged in honorable warfare, but as robbers and criminals deserving death; and that they, and each of them, be, whenever captured, reserved for execution.

Mr. HILL. A reason is stated for that.

Mr. GARFIELD. The reason is in the preamble. I am not discussing the reasons for this extraordinary proclamation, but its effects upon the exchange of prisoners.

Third. That all negro slaves captured in arms be at once delivered over to the executive authorities of the respective States to which they belong, to be dealt with according to the laws of said State.

Fourth. That the like orders be executed in all cases with respect to all commissioned officers of the United States when found serving in company with said slaves in insurrection against the authorities of the different States of this Confederacy.

Two great questions were thus raised: first, that a certain class of officers, merely because they served under General Butler, should be declared not entitled to the rights of prisoners of war, but should be put to death when taken. These men were serving, not Benjamin F. Butler, but the Union. They did not choose him as their general. They were assigned to him; and by this proclamation that assignment

#### CONSIGNED THEM TO DEATH

at the hands of their captors. But the second question was still more important. It was an order that all men who had been slaves and had enlisted under the flag of the Union should be denied all the rights of soldiers, and when captured should be dealt with as runaway slaves under the laws of the States where they formerly belonged, and that commissioned officers who commanded them were to be denied the rights and privileges of prisoners of war. The decision of the Union people every where was that, great as was the suffering of our poor soldiers at Andersonville and elsewhere, we would never make an exchange of prisoners until the manhood and the rights of our colored soldiers were acknowledged by the belligerent power. And for long weary months we stood upon that issue, and most of the suffering occurred while we waited for that act of justice to be done on the other side.

To enforce this proclamation of Mr. Davis a law was passed on the 1st of May, 1863, by the Confederate congress, reported, doubtless, from the judiciary committee by the gentleman who spoke yesterday, and in that law the principles of the proclamation I have just read were embodied and expanded. Section 4 of the law reads as follows :

SEC. 4 That every white person, being a commissioned officer or acting as such, who, during the present war shall command negroes or mulattoes in arms against the Confederate States, or who shall arm, train, organize, or prepare negroes or mulattoes for military service against the Confederate States, or who shall voluntarily aid negroes or mulattoes in any military enterprise, attack, or conflict in such service shall be deemed as inciting servile insurrection, and shall, if captured, be put to death or be otherwise punished, at the discretion of the court.

SEC. 5. Every person, being a commissioned officer or acting as such in the service of the enemy, who shall during the present war excite, attempt to excite, or cause to be excited, a servile insurrection, or who shall incite or cause to be incited a slave to rebel, shall, if captured, be put to death or be otherwise punished at the discretion of the court.

SEC. 7. All negroes and mulattoes who shall be engaged in war or be taken in arms against the Confederate States, or shall give aid or comfort to the enemies of the Confederate States, shall, when captured in the Confederate States, be delivered to the authorities of the State or States in which they shall be captured, to be dealt with according to the present or future laws of such State or States.

Approved May 1, 1863.

Now, Mr. Speaker, I am here to say that this position taken by the head of the Confederacy, indorsed by his congress and carried into execution by his officers, was the great primal trouble in all this business of the exchange of prisoners. There were minor troubles, such as claims by both sides that paroles had been violated. I think General Halleck reported that a whole division of four brigades, Stevenson's division, which had not been properly exchanged, fought us at Lookout Mountain; but that may have been a mistake. It was one of the points in controversy. But the central question was that of the Government of the United States having committed itself to the doctrine that

THE NEGRO WAS A MAN AND NOT A CHATTEL, and that being a man he had a right to help us in fighting for the Union, and being a soldier we would perish rather than that he should not be treated as a soldier.

To show that I am not speaking at random I will read from a report which I hold in my hand, a report of the Secretary of War on the difficulty of the exchange of prisoners. This paper is dated August 24, 1864. I think it is a misprint for 1863, from what surrounds it; but no matter as to that. It was in August General Meredith reported :

To my demand "that all officers commanding negro troops, and negro troops themselves, should be treated as other prisoners of war

and be exchanged as such " Mr. Ould declined acceding, remarking that they (the rebels) would "die in the last ditch" before giving up the right to send slaves back to slavery as property recaptured.

I am, general, very respectfully, your obedient servant.

S. A. MEREDITH,  
*Brigadier General and Commissioner for Exchange.*

Major-General E. A. HITCHCOCK, *Commissioner for Exchange of Prisoners, Washington D. C.*

Thus it appears that in the negotiation, as late as the month of August, 1863, the refusal of the rebel authorities to treat the negro as a man and a soldier prevented the exchange of prisoners.

One other point in that connection and I will leave this subject. I have here a letter, dated March 17, 1863, written by Robert Ould, and addressed to that man of "bad influence," General Winder, in which Mr. Ould, speaking of his arrangement for the exchange of prisoners, says :

*The arrangements that I have made work largely in our favor. We get rid of a set of miserable wretches and receive some of the best material I ever saw.*

Now in that single line, in a communication between two men, not *par nobile fratrum* but *par turpe diabolorum*, is proof that the object of this outrageous treatment at Andersonville was to make our men so that their exchange would be valueless to us, and it throws light upon the charge about our treatment of prisoners held in the North.

Now, Mr. Speaker, I return from all this to the direct discussion bearing immediately upon Jefferson Davis. It seems to me incontrovertible that the records I have adduced lay at his door the charge of being himself the author, the conscious author, through his own appointed instrument, of the terrible work at Andersonville, for which the American people still hold him unfit to be admitted among the legislators of this nation.

Before I leave that subject let me say another word on another point. I see around me here a large number of gentlemen who did not hesitate to take the oath of allegiance to the Government of the United States, who did not hesitate to ask to be relieved of their political disabilities, and I ask if any one of them, in the years they have served here with us, has ever been taunted with the fact that he has been thus relieved of disabilities at his own request. Can any one of them recall a discourteous remark that has ever been made here in debate because he has asked and accepted the amnesty of the Government? Do you want us to say that the remaining seven hundred and fifty need not ask what you did? Do the honorable gentlemen who are here to-day want easier terms on which the others may come in than the terms on which they themselves came back?

Mr. HILL. I desire to ask a question for information, for I want the facts, and my recollection differs from that of the gentleman from Ohio, [Mr. GARFIELD.] The act of 1872, granting a partial amnesty to quite a large number, does not, as I understand it, make any such requisition as is contained in the amendment of the gentleman from Maine, [Mr. BLAINE.]

Mr. GARFIELD. The gentleman is right.

Mr. HILL. It was an unconstitutional amnesty like that contained in the bill of the gentleman from Pennsylvania, [Mr. RANDALL.] It required no oath or anything of the sort.

Mr. GARFIELD. Certainly not.

Mr. HILL. I am very sure that it was under that act that I was relieved. And I never applied for any amnesty at all, but I would not have felt it.

ANY LOSS OF PRIDE HAD I DONE SO.

Mr. GARFIELD. Certainly not. I remember very well that we relieved a large number of soldiers in one act. But we did not relieve those who, at the time the rebellion broke out, held offices and commissions under the Government, which they had sworn before God they would protect and defend, and afterward went into the rebellion. Those are the people that we have required to ask for amnesty.

Mr. HILL. Allow me to call the attention of the gentleman to a correction of his statement. The act of Congress of 1872 relieved all persons, as I understand it, from disabilities who had been members of any State Legislature, or who had been an executive or judicial officer of any State, and relieved all in civil or military service, or who had even been in the Congress of the United States, excepting the Thirty-fifth or Thirty-sixth Congress.

Mr. GARFIELD. The Thirty-sixth and Thirty-seventh Congresses.

Mr. HILL. Well, one or the other. It relieved all those who were not in Congress at the time of secession, all members of State Legislatures, all civil and military officers, except the few remaining, some seven hundred and fifty. You granted them relief without any condition whatever.

Mr. GARFIELD. The gentleman will observe that those to whom he refers did not, at the time the war broke out, hold commissions as United States officers.

Mr. HILL. Yes.

Mr. GARFIELD. We excepted from amnesty all those who held in their hands a commission from the Federal Government, and who had sworn to be true to their commission; and we did this because they had added to rebellion—I must use words—

THE CRIME OF PERJURY

in the eyes of the law.

Mr. TUCKER. Will the gentleman allow me to interrupt him?

Mr. GARFIELD. Certainly.

Mr. TUCKER. Do I understand the gentleman from Ohio, speaking here to-day of kindness to gentlemen on this side of the House, to say that any man who held a commission under the United States at the time the war broke out, and who went into secession, was guilty of perjury?

Mr. GARFIELD. I will repeat precisely the measured words I used. I said "the crime of perjury in the eyes of the law." In view of the fact of flaming war, I do not say those men should be regarded as ordinary perjurers; I never said that. But what will the gentleman all it? By what other name does the law know it? I did not make the dictionary, nor did I make the law. The gentleman certainly knows me well enough to know that I am incapable of making a reference to any personal matter in this discussion. He must see that I am using the word as it is used in the law.

Mr. TUCKER. Mr. Speaker—

The SPEAKER *pro tempore*, (Mr. SPRINGER in the chair.) Does the gentleman from Ohio yield further to the gentleman from Virginia, [Mr. TUCKER.]

Mr. GARFIELD. Certainly.

Mr. TUCKER. I do not ask to interrupt the gentleman that I may excuse myself; but to excuse some of the noblest men that I have ever known, and of whom the gentleman might be proud to claim to be a peer.

Mr. GARFIELD. There were some passages in the speech of yesterday which make me less reluctant

TO SPEAK OF BREAKING OATHS.

He said:

We charge all our wrongs to that "higher law" fanaticism which never kept a pledge or obeyed a law. We sought to leave the association of those who would not keep fidelity to covenant. We sought to go by ourselves; but, so far from having lost our fidelity to the Constitution, we hugged it to our bosoms and carried it with us. \* \* \* But, you gentlemen who persecuted us by your infidelities until you drove us out of the Union, you who then claimed to be the only friends of the Union, which you had before denounced as a "league with hell and a covenant with death," you who follow up the war when the soldiers who fought it have made peace and gone to their homes, to you we have no concessions to make. Martyrs owe no apology to tyrants.

There is a certain sublimity of assumption in this which challenges admiration. Why the very men of whom we are talking, who broke their oaths of office to the nation—when we are speaking of relieving them we are told that they went out because we broke the Constitution and would not be bound by oaths. Did we break the Constitution? Did we drive them out? I invoke the testimony of Alexander H. Stephens, now a member of this House, who, standing up in the secession

convention of Georgia, declared that there was no just ground for Georgia's going out; declared that the election of a President according to the Constitution was no justifiable ground for secession, and declared that if under the circumstances the South should go out she would herself be committing a gigantic wrong, and would call down upon herself the thunders and horrors of civil war.

Thus spoke Alexander H. Stephens in 1860. Over against anything that may be said to the contrary I place his testimony that we did not force the South out; that they went out against all the protests and the prayers and the humiliation that a great and proud nation could make without absolute disgrace.

Mr. DAVIS. Will the gentleman from Ohio yield to me a moment?

Mr. GARFIELD. Certainly.

Mr. DAVIS. The gentleman has used a term that touches the honor of more men than one in this House and in the South. I desire, therefore, to ask him this question: Whether the war did not result from a difference of views between gentlemen of the North and gentlemen of the South with regard to what was the true construction of the Constitution? That being so, I desire to ask him further whether the oath of fidelity to the Constitution was best observed by those people of the section which he represents, those of his own party, who declared that there was a law higher than the Constitution and declined to obey that instrument, or by those who observed faithfully their constitutional obligations, and who, when raids were made upon them, merely defended themselves, as they understand it,

FROM UNCONSTITUTIONAL AGGRESSION?

I wish to say further for myself and for those who are here with me, that the Constitution having been amended—the "higher law" party having incorporated in that instrument the abolition of slavery and certain other features which we have now sworn to support along with the rest of the instrument—if in the future we fail to observe that oath before high heaven, then we may be declared perjured; then we may be declared rebels; then we may be declared traitors.

Mr. GARFIELD. If the gentleman has understood me he cannot fail to see that I have not used the word in any offensive sense, but in its plain and ordinary acceptance as used in the law. We held that the United States was a nation, bound together by a bond of perpetual union; a union which no State or any combination of States, which no man or any combination of men, had the right, under the constitution, to break. The attempt of the South to overthrow the Union was crime against the Government—

the crime of rebellion. It can be described by no other name. It is so known to the laws of nations. It is so described the decisions of the Supreme Court.

The gentleman from North Carolina calls  
THE WAR ON ONE SIDE A RAID.

I will never consent to call our war for the Union "a raid," least of all a raid upon the rights of any human being. I admit that there was a political theory of State's rights—a theory held, I have no doubt, by gentlemen like the gentleman of Virginia [Mr. TUCKER] who spoke a moment ago—believed in as sincerely as I believe the opposite—which led them to think it was their duty to go when their State went. I admit that that greatly mitigates all that the law speaks of as a violation of an oath. But I will never admit (for history gives the lie to the statement in every line) that the men of the Union were making a "raid" upon the rights of the South.

Read the Republican platform of 1856 and of 1860. What did we contend for in those years? Simply that slavery should not be extended into any Territory already free. That was all. We foreswore any right or purpose on our part in time of peace to touch slavery in any State. We only claimed that in the Territories, the common heritage of all the Union, slavery should never travel another inch; and, thank God, it no longer pollutes our soil or disgraces our civilization.

Now that slavery,

THE GUILTY CAUSE OF THE REBELLION,

is no more, and that, so far as I know, nobody wants it restored—I do not believe these gentlemen from the South desire its restoration—

Mr. HILL. We would not have it.

Mr. GARFIELD. They would not have it the gentleman from Georgia says. Then let us thank God that in the fierce flames of war the institution of slavery has been consumed; and out of its ashes let us hope a better than the fabled Phoenix of old will arise—a love of the Union high and deep, "as broad and general as the casing air," enveloping us all, and that it shall be counted no shame for any man who is not still under political disabilities to say with uplifted hand, "I will be true to it and take the proffered amnesty of the nation." But let us not tender it to be spurned. If it is worth having, it is worth asking for.

And now, Mr. Speaker, I close as I began. Toward those men who gallantly fought us on the field I cherish the kindest feeling. I feel a sincere reverence for the soldierly qualities they displayed on many a well-fought battle-field. I hope the day will come when their swords and ours will be crossed over many a doorway of our children, who will remember the glory of their

ancestors with pride. The high qualities displayed in that conflict now belong to the whole nation. Let them be consecrated to the Union and its future peace and glory. I shall hail that consecration as a pledge and symbol of our perpetuity.

But there was a class of men referred to in the speech of the gentleman yesterday for whom I have never yet gained the Christian grace necessary to say the same thing. The gentleman said that amid the thunder of battle, through its dun smoke, and above its roar they heard a voice from this side saying, "Brothers, come." I do not know whether he meant the same thing, but I heard that voice behind us. I heard that voice, and I recollect that I sent one of those who uttered it through our lines—a voice owned by Vallandigham. [Laughter.] General Scott said, in the early days of the war, "When this war is over, it will require all the physical and moral power of the Government

TO RESTRAIN THE RAGE AND FURY OF THE NON-COMBATANTS."

[Laughter.] It was that non-combatant voice behind us that cried "halloo?" to the other side; that always gave cheer and encouragement to the enemy in our

hour of darkness. I have never forgotten and have not yet forgiven those Democrats of the North whose hearts were not warmed by the grand inspirations of the Union, but who stood back finding fault, always crying disaster, rejoicing at our defeat, never glorying in our victory. If these are the voices the gentleman heard I am sorry he is now united with those who uttered them.

But to those most noble men, Democrats and Republicans, who together fought for the Union, I commend all the lessons of charity that the wisest and most beneficent men have taught. I join you all

IN EVERY ASPIRATION

that you may express to stay in this Union, to heal its wounds, to increase its glory, and to forget the evils and the bitternesses of the past; but do not, for the sake of the three hundred thousand heroic men who, maimed and bruised, drag out their weary lives, many of them carrying in their hearts horrible memories of what they suffered in the prison pen—do not ask us to vote to put back into power that man who was the cause of their suffering—that man still unaneled, unshrived, unforgiven, undefended. [Great applause.]

## THE SHADOW OF A DEAD CONFEDERACY.

In the House of Representatives, January 13, 1876.

MR. BLAINE:

MR. SPEAKER, before proceeding with the remarks which I shall address to the questions before the House, I desire to say that in the discussion on the point of order that was raised just prior to the adjournment last evening I did not intend to be understood and hope no gentleman understood me as implying that the honorable Speaker intended in any way to deprive me of the right to speak. I did not so understand the Speaker, nor did I understand it to be the motive or object of the gentleman from Pennsylvania, [Mr. RANDALL.] I say this much in justice to myself and in justice to the honorable incumbent of the chair.

From the tone of the debate on the opposite side of the Chamber, Mr. Speaker, one would certainly imagine that the Republican party, as represented in Congress, was trying to inflict some new punishment or add some fresh stigma to the name of Jefferson Davis, as well indeed as to lay some additional burden on those other citizens of the South who are not yet fully amnestied. It may therefore not be unprofitable just to recall to the attention of the House the precise question at issue, and how it came here, and who it was that brought it here.

The gentleman from Pennsylvania introduced a bill to confer special honor on Jefferson Davis; for what honor can be higher than the full panoplied citizenship of the United States of America? He has lost it by his crimes, and the gentleman from Pennsylvania proposes in hot haste, without debate, without amendment, to drag every gentleman up to say "Aye" or "No" upon a bill declaring him to be entitled now and henceforth to all the rights and all the honors of American citizenship. From that we dissent. We did not bring the question here. We are not seeking to throw any fresh element of an inflammatory-kind into any discussion or difference that may be between two parties or two sections. And whatever of that kind has grown from this discussion lies at the door of the gentleman from Pennsylvania and those who stand with him.

Remember, Mr. Speaker, it is no proposition to punish but a proposition to honor, and while we disclaim any intention or desire to punish Jefferson Davis, we resist the proposition to honor him. And right here, as a preliminary matter, I desire to address myself for a moment to the constitutional point suggested by the honorable gentleman

from Massachusetts, [Mr. SEELYE,] who addressed the House last evening. He sees and appreciates the magnitude of the crime laid at the door of Jefferson Davis, and he clearly pointed out that neither the gentleman from New York nor the gentleman from Georgia had palliated or dared to palliate the crimes with which I charged him. But he is bothered by the scruple that because we are permitted to punish for participancy in insurrection or rebellion we cannot make any discrimination or distinction. Why, the honorable gentleman must have forgotten that this is precisely what we have been doing ever since the disability was imposed. We first removed the disabilities from the least offensive class; then in the next act we removed those next in order of guilty participancy, and so on, until in 1872 we removed the disability from all, except the Army and Navy officers, members of Congress, and heads of Departments. Why, sir, are we not as much justified to-day in excepting Jefferson Davis as we were in 1872 in excepting the seven hundred and fifty of whom he constitutes one? Therefore I beg to say to my honorable friend, whose co-operation I crave, that that point is *res adjudicata* by a hundred acts upon the statute-book. We are entirely competent to do just what is proposed in my amendment.

Now, Mr. Speaker, on the question of the treatment of our prisoners and on the great question as to who was to blame for breaking exchange, the speech of the honorable gentleman from Ohio [Mr. GARFIELD] has left me literally nothing to say. He exhausted the subject. His speech was unanswerable, and I undertake to say that as yet no gentleman has answered one fact that he alleged—no gentleman in this House can answer one fact presented by him. I shall not therefore at any length dwell upon that. But in connection with one point in history there is something which I should feel it my duty, not merely as a member of the Republican party which upheld the administration that conducted the war, but as a citizen of the American Union, to resist and resent, and that is, the allegations that were made in regard to the manner in which Confederate prisoners were treated in the prisons of the Union. The gentleman from Georgia says:

I have also proved that with all the horrors you have made such a noise about as occurring at Andersonville, greater horrors occurred in the prisons where our troops were held.

And I could not but admire the "our" and the "your" with which the gentleman conducted the whole discussion. It ill comported with his later profession of Unionism. It was certainly flinging the shadow of a dead Confederacy a long way over the dial of the National House of Representatives; and

I think the gentleman from New York fell into a little of the same line. Of that I shall speak again. The gentleman from Georgia goes on to say that—

The atrocities of Andersonville do not begin to compare with the atrocities of Elmira, of Camp Douglas, of Fort Delaware; and of all the atrocities both at Andersonville and at Elmira the Confederate authorities stand acquitted.

Mr. HILL. I certainly said no such thing. I stated distinctly that I brought no charge of crime against anybody. But I also stated distinctly that according to the gentleman's logic that result followed.

Mr. BLAINE. But that is not the reported speech at all.

Mr. HILL. I stated distinctly that I was following the gentleman's logic.

Mr. BLAINE. I am quoting the gentleman's speech as he delivered it. I quote it as it appeared in the *Daily Chronicle* and the *Associated Press* report. I do not pretend to be bound by the version which may appear hereafter, because I observed that the gentleman from New York [Mr. COX] spoke one speech and published another, [great laughter,] and I suppose the gentleman from Georgia will do the same. I admit that the gentleman has a difficult role to play. He has to harmonize himself with the great Northern Democracy and keep himself in high line as a Democratic candidate for Senator from Georgia; and it is a very difficult thing to reconcile the two. [Laughter.] The "barn-burner Democrats" in 1853 tried very hard to adhere to their anti-slavery principles in New York and still support the Pierce administration; and Mr. Greeley, with that inimitable humor which he possessed, said that they found it a very hard road to straddle, like a militia general on parade on Broadway, who finds it an almost impossible task to follow the music and dodge the omnibuses. [Laughter.] And that is what the gentleman does. The gentleman tries to keep step to the music of the Union and dodge his fire-eating constituency in Georgia. [Great laughter.]

Then here is another quotation:

We know our prisoners suffered in Federal hands, and we know how if we chose to tell. Thousands of our poor men came home from Fort Delaware and other places with their fingers frozen off, with their toes frozen off, with their teeth fall'n out.

Mr. HILL. The gentleman will allow me to answer. I said that those things were necessary incidents of the horrors of all prisons.

Mr. BLAINE. But the gentleman states that that was a fact! I do not understand him to back down from that assertion?

Mr. HILL. No, sir. I saw it with my own eyes.

Mr. BLAINE. Now, the gentleman from



the Elmira district, [Mr. WALKER,] and I honor him for it, was not held in leash as his colleague from New York [Mr. COX] was by party fidelity and Southern sympathy, and came out like a man and vindicated his constituents. The gentleman from Georgia makes this charge of ill-treatment of Confederate prisoners at Camp Douglas.

\* \* \* \* \*

Now, Mr. Speaker, I desire to call attention to the remark of the gentleman from New York, who, as I said, delivered one speech and published another.

Mr. COX. I did not change anything in my speech or in my colloquy with you.

Mr. BLAINE. The gentleman will have time to answer. I say the gentleman from New York delivered one speech and printed another.

Mr. COX. Go on with your talk; you are getting used up on this side. [Laughter.]

Mr. BLAINE. The gentleman from New York stated that "he had it on the authority of sixty and odd gentlemen here, many of them having been in the service of the Confederacy during the war, that no order was issued at any time in the South relative to prisoners who were taken by the South as to rations or clothing that did not apply equally to their own soldiers, and that any *ex parte* statements taken by that humbug committee on the conduct of the war could not controvert the facts of history." The gentleman therefore stands up here as denying the atrocities of Andersonville. He seconds the gentleman from Georgia and gives the weight of whatever may be attached to his word to denying that fact. Now, the gentleman himself did not always talk so. I have here a debate that occurred on the 21st of December, 1864, in which, while the proposition was pending in the House for retaliation, the gentleman, then from Ohio, said:

This resolution provides for inflicting upon the rebel prisoners who may be in our hands the same *inhuman, barbarous, horrible* treatment which has been inflicted upon our soldiers held as prisoners by the rebels.

Now, Mr. Speaker—

Continued the enraged gentleman at that time—

it does not follow that because the rebels have made *brutes and fiends of themselves* that we should do likewise.

Mr. COX. That is good sense.

Mr. BLAINE. "There is," he says, "a certain law of retaliation in war, I know; but," continued the gentleman, "no man will stand up here and say, after due deliberation, that he would reduce these prisoners thrust into our hands into the same condition exhibited by these skeletons, these pictures, these anatomies brought to our attention and laid upon the desks of members of Congress." Then the gentleman says "It does not follow because our prisoners

are treated in the way represented, and no doubt truthfully represented." That is what the gentleman said in 1864; but when a solemn committee of Congress, made up of honorable gentlemen of both sides of the House, bring in exactly the statements which verify all this, then the gentleman states "that the authority was a humbug committee."

Mr. COX rose.

Mr. BLAINE. Wait; you will have plenty of time.

Mr. COX. I did not get up to interrupt the gentleman.

Mr. BLAINE. Now the gentleman takes his side among the great defenders of Andersonville, and states there has been nothing made out against Andersonville except upon *ex parte* statements.

Now, Mr. Speaker, while I do not wish to be interrupted, I would like, by a nod, if the gentleman from Georgia [Mr. HILL] will be good enough to tell me—for he is a well-practiced lawyer and I am not one at all; and when witnesses are in doubt they are allowed time to reflect and refresh their memory—I ask him to tell me after reflection whether he recollects having introduced this resolution into the Confederate Senate.

Mr. HILL. Which?

Mr. BLAINE. The following:

Senator Hill, of Georgia, introduced the following resolution in the Confederate Congress in October, 1862: "That every person pretending to be a soldier or officer of the United States who shall be captured on the soil of the Confederate States after the first day of January, 1863, shall be presumed to have entered the territory of the Confederate States with intent to incite insurrection and to abet murder; and, unless satisfactory proof be adduced to the contrary before the military court before which the trial shall be had, he shall suffer death. And this section shall continue in force until the proclamation issued by Abraham Lincoln, dated Washington, September 22, 1862, shall be rescinded."

Did the gentleman introduce that resolution?

Mr. HILL. Do you want an answer?

Mr. BLAINE. Yes.

Mr. HILL. I will say this: I state precisely and frankly, as I stated to the gentleman day before yesterday, that I do not recollect being the author of that resolution. I have no doubt the resolution was introduced, and I will state this: that at the time there was a belief in the Confederacy—

Mr. BLAINE. I did not yield for a speech I only wanted to know that. \* \* \* \*

Mr. Speaker, what does this mean? What did the gentleman from Georgia mean when, from the committee on the judiciary, he introduced the following:

2. Every white person who shall act as a commissioned or non-commissioned officer, commanding negroes or mulattoes against the Confederate States, or who shall arm, organize, train, or prepare negroes or mulattoes

for military service, or aid them in any military enterprise against the Confederate States shall, if captured, suffer death.

3. Every commissioned or non-commissioned officer of the enemy who shall incite slaves to rebellion, or pretend to give them freedom, under the aforementioned act of Congress and proclamation, by abducting, or causing them to be abducted, or inducing them to abscond, shall, if captured, suffer death.

Now, Mr. Speaker, I have searched somewhat, but in vain, for anything in the world that rivals this. I did find, and have here in my minutes, the proclamation of Valmeseda, the Captain-General of Cuba, who was recalled by Spain because of his atrocious cruelties to the inhabitants of that island; and the worst thing in all the atrocities laid to his charge was that he proclaimed "that every man or boy over fifteen years found away from his house, not being able to give a satisfactory reason therefor, should suffer death." He copied it from the resolution of the gentleman from Georgia.

Now, Mr. Speaker, I hold in my hand a copy of the *Atlanta Constitution*, printed on the 24th of January, 1875. We are told that all these allegations against Jefferson Davis should be forgiven because they are all of the dead past.

We are told that we should not revive them, that there should be nothing in the world brought up in any way to disturb the beautiful serenity of the centennial year, and that to make any allusion to them whatever is to do an unwelcome and unpatriotic act. The very last declaration we have from Jefferson Davis authentically, in the life which the gentleman from Georgia held the other day as a text book, reads thus:

Time will show, however, the amount of truth in the prophecy of Jefferson Davis—

Says the biographer, made in reply to the remark that the cause of the Confederacy was lost. Mr. Davis said:

*It appears so, but the principle for which we contended is bound to reassert itself, though it may be at another time and in another form.*

Now, I have here, of the date of January 24, 1875, a speech by Hon. B. H. HILL, in the *Atlanta Constitution*, and it is said to have been the "grandest speech" he ever delivered.

Mr. HILL. Oh, that is a mistake.

Mr. BLAINE. The gentleman says it is a mistake. I know he has delivered some very grand speeches, but the editor characterizes this as the grandest of them all. I quote from him;

Fellow-citizens, I look to the contest of 1875 not only as the most important that ever occurred in American history, but as the most important in the history of the world; for if the people of the country cannot be aroused to give an overwhelming vote against this Republican party it will perpetuate itself in power in the United States by precisely the same means that the President has taken in Louisiana, and the people will be powerless to

prevent it *except they go to war.* [Applause.] If we fail with the ballot-box in 1876 by reason of force, a startling question will present itself to the American people. I trust we will not fail. I hope the Northern people have had a sufficient subsidence of passion to see this question fairly.

Then the gentleman goes on to say—

If we must have war—  
why his voice is always for war.

Mr. HILL. Never, never!

Mr. BLAINE. The gentleman says—

If we must have war; if we cannot preserve this Constitution and constitutional government by the ballot; if force is to defeat the ballot; if the war must come—God forbid that it should come—but if it must come; if folly, if wickedness, if inordinate love of power shall decree that America must save her Constitution by blood, let it come; I am ready.

[Laughter.]

Mr. HILL. Will the gentleman allow me one word?

Mr. BLAINE. Not now. There will be plenty of time. And then the gentleman said in another speech of May 12:

He impressed upon the colored men of the country the truth that, if the folly and wickedness were consummated in war, they would be the greatest sufferers. If peace was preserved they were safe, but as sure as one war had freed them, just as sure another war would re-enslave them.

Now that was precisely the kind of talk we had here by folios and reams before the rebellion. Oh, yes; you were for war then. The gentleman in his speech says that the Union now is an unmixed blessing, providing the Democratic party can rule it, but that if the Republican party must rule it he is for war. Why, that is just what Jefferson Davis said in 1861.

I have here very much more of the same kind. I have been supplied with very abundant literature emanating from the gentleman, more, indeed, than I have had time to read. He seems to have been as voluminous as the Spanish Chroniclers. In one speech he says:

I must say a word about this list of disabilities removed. I would rather see my name recorded in the Georgia penitentiary than to find it on a list of the removal of disabilities. Why, my friends, do you not know that when you go to that Congress and ask for a removal of disabilities you admit that you are a traitor?

Mr. HILL. What do you read from?

Mr. BLAINE. From a report in a Cincinnati *Daily Gazette*, giving an account of a great meeting in 1868, at which Howell Cobb, Robert Toombs, and the Hon. B. H. HILL made speeches. And there the gentleman declared that he would rather have his name on the list of the Georgia penitentiary than on the list of the removal of disabilities.

Mr. Speaker, I do not desire to stir up more needless ill-blood, but the gentleman from Ohio [Mr. GARFIELD] yesterday, apparently without much thought, spoke of a class of men in the Southern States who had

committed perjury, and I would like to address the gentleman a question that he can answer when he gets the floor.

Mr. HILL. Will you not allow me to answer it now?

Mr. BLAINE. No, sir; not now. Suppose you inaugurate a great war if the Republican party retains power, and you and all these gentlemen who sympathize with you upon this floor, and who had taken an oath to bear true allegiance to the Government of the United States, and that you took that oath without mental reservation, then revolt against the country; what would that be? Would it have any relation to perjury?

But, Mr. Speaker, you see the effect of the speeches of the gentleman from Georgia. They are very tremendous down there. The very earth quakes under him. One of his organs says:

We assert without fear of contradiction that Mr. HILL in his bitter denunciation of scoundwags and carpet-baggers has deterred thousands of them from entering the ranks of the Radical party. They dare not do so for fear of social ostracism, and to-day the white population of Georgia are unanimous in favor of the Democratic party.

And when he can get the rest of the States to the same standard he is for war.

Now, Mr. Speaker, the gentleman cannot, by withholding his speech here and revising it and adapting it to the Northern Democracy, erase his speeches in Georgia. I have quoted from them. I have quoted from Democratic papers. There is no accusation that there is any perversion in Republican papers or that he was misrepresented. But the gentleman deliberately states that in a certain contingency of the Republican party having power he is for war; and I undertake here to say that, in all the mad, hot wrath in the Thirty-sixth Congress that precipitated the revolt in this country there is not one speech to be found that breathes a more determined rebellion against lawful authority or a guiltier readiness to resist it than the speech of the gentleman from Georgia.

Mr. Speaker, I have not much time left. I said briefly in my first speech that God forbid I should lay at the door of the Southern people, as a people, these atrocities. I repeat it. I lay no such charge at their door. Sir, I have read in this "ex parte humbug report" that there were deep movements among the Southern people about these atrocities; that there was a profound sensibility. I know that the leading officers of the Confederacy protested against them; I know that many of the subordinate officers protested against them. I know that an honorable gentleman from North Carolina, now representing his State in the other end of the Capitol, protested against them. But I have searched the records in vain to find that the

gentleman from Georgia [Mr. HILL] protested against them. They were known to the Confederate Congress; they were known at the doorway of your Senate and along the corridors of your Capitol. The honorable and venerable gentleman in my eye at this moment who served in the Confederate Congress, and who had before served in the Senate of the United States, himself brought them to the attention of the Confederate Congress, and I class him with great gladness among those whose humanity was never quenched by the fires of the rebellion. I allude to Hon. Henry S. Foote.

My time is running and I have very little left. I confess—and I say it to the gentleman from Georgia with no personal unkindness—I confess that my very blood boiled, if there was anything of tradition, of memory, of feeling, it boiled when I heard the gentleman, with his record, which I have read, seconded and sustained by the gentleman from New York, arraigning the administration of Abraham Lincoln, throwing obloquy and slander upon the grave of Edwin M. Stanton, and demanding that Jefferson Davis should be restored to full citizenship in this country. Ah! that is a novel spectacle; the gentleman from Georgia does not know how novel; the gentleman from New York ought to know. The gentleman from Georgia does not know and he cannot know how many hundred thousands of Northern bosoms were lacerated by his course.

Mr. HILL. I never said it, Mr. BLAINE; you are mistaken.

Mr. BLAINE. Oh, no; you accused the administration of Mr. Lincoln with breaking the cartel and violating the honor of the Government, and a thousand other things; the speech as published in the papers show it. And as soon as he made it the gentleman from New York run to him in hot haste to congratulate him, sympathizing, I suppose, with the assault.

Mr. HILL. Upon that subject I read nothing but published letters and documents, and of Northern origin at that.

Mr. BLAINE. I repeat, that proposition strikes—I might say almost terror into Northern hearts; that here, in an American Congress, the gentleman who offered that resolution in the Confederate Congress, who in his campaign for a seat in this House comes here breathing threatenings and slaughter, who comes here telling you that in a certain contingency he means war, advising his people to be ready for it—that gentleman, profaning the very altar of patriotic liberty with the speech that sends him here, arraigning the Administration that conducted the war and saved the Union—that gentleman asks us to join with him in paying the last full measure of honor that an American

# PRACTICABLE AMNESTY.

In the House of Representatives, Jan. 14, 1876.

## MR. BLAINE:

MR. SPEAKER, the object of this side of the House is not to become obstructive, is not to delay legislation by those means with which in the last Congress we were made so familiar. We have no desire to filibuster, although the civil-rights bill, which was designed to give the rights of manhood to the colored members, was ordered to be reported regularly from a committee, and for seventeen consecutive Monday mornings filibustering cut off the chance to report it; and one of the chief parliamentary glories of my honorable friend from Pennsylvania [Mr. KANDALL] was that by extreme use of this power he prevented the consideration of that bill. We design no such process. We simply desire to have a vote upon the question whether Jefferson Davis shall be included in this general amnesty; and in addition to that, if my friend from Massachusetts, [Mr. BANKS.] who smiles with that winsome smile to which I am always ready to respond, will allow me, he will observe that my amendment is better than his in another respect. I will read it in the original terms in which I offered it:

"That all persons now under disabilities imposed by the fourteenth amendment to the Constitution of the United States, with the exception of Jefferson Davis, late President of the so called confederate States, shall be relieved of such disabilities upon their appearing before any judge of the United States, and taking and subscribing, in open court, the following oath, duly attested:"

Now the gentleman's amendment makes it necessary that an oath be taken in any court in any State, a court of probate for instance—any small court. I think that this is a matter with which the United States is dealing. It is a governmental matter between the Government of the United States and some of its erring children. They are coming back to the United States to be reclothed and rehabilitated with the full rights and glories of American citizenship. I think that important transaction should be cognizable only in courts of the United States. In that respect I claim that my amendment is better than that of the gentleman from Massachusetts. As to the oath proposed in the two amendments, there is no difference between them, or if there is any difference it is merely verbal.

I hold in my hand a letter which I endeavored to have this morning the poor privilege of reading, and which I could not get, but again under the rules of the House, always beneficent, and which I have no doubt will always be beneficent as administered by the honorable occupant of the chair, I have that privilege. This morning I received a letter which I commend to gentlemen from the South. With that fascinating eloquence which my friend from Massachusetts [Mr. BANKS] possesses, he called your attention to the great value in this centennial year of having no man in the length and breadth of the land under the slightest political disabilities, and why ex-

cept poor Jefferson Davis! I have here a letter written to me without any request, and, so far as I know, without any expectation that it would be made public; but I am sure that even if it be a private letter the gentleman writing it will pardon me for reading it. It is as follows:

"RALEIGH, NORTH CAROLINA,  
January 12, 1876.

"MY DEAR SIR: I observe there is excitement in the House on the amnesty proposition.

"In 1870 I was impeached and removed from office as Governor of this State solely because of a movement which I put on foot according to the Constitution and the law to suppress the bloody Ku-Klux. This was done by the Democrats of this State, the allies and the echoes of Northern Democrats. I was also disqualified by the judgment of removal from holding office in this State. The Democratic legislature of this State and its late constitutional convention were appealed to in vain by my friends to remove this disability. The late convention, in which the Democrats had one majority by fraud, refused by a strict party vote to remove my disabilities thus imposed; and I am now the only man in North Carolina who cannot hold office.

"I think these facts should be borne in mind when the Democrats in Congress clamor for relief to the late insurgent leaders. Pardon the liberty I have taken in referring to this matter, and believe me, truly, your friend,

"W. W. HOLDEN.

"HON. JAMES G. BLAINE."

Now, gentlemen, what have you to say to that. It is purely a political impeachment; not prosecution, but persecution; persecution of a man for opinion's sake. And it is to day within the design of the Democratic party to remove Governor Ames, of Mississippi, from his chair by impeachment, and to disqualify him from holding office. The legislation proposed here has this end, that two friends of the Union, one a Union man of North Carolina, and the other as gallant a Union soldier as ever tied sash around his body, are to be disfranchised and disabled men, and poor Jefferson Davis is to be left free to enjoy the Centennial at Philadelphia. [Laughter.]

\* \* \* \* \*  
Now I wish to make this proposition that I may bring my bill before the House by unanimous consent, and I will yield to any gentleman to move an amendment to it. I will give to that side of the House all I have asked for this side. Now, if it be the case that gentlemen will refuse that proposition, then it is because they do not want any bill passed. I am for a practicable amnesty. I am for an amnesty that will go through.

Mr. ROBBINS, of North Carolina. I object.  
Mr. BLAINE. Now, Mr. Speaker, I will end this matter, which I have within my power. I withdraw the motion to reconsider.